

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4273 of 2022

Rejaul Karim Mondal
-Vs-
The State of West Bengal

For the Petitioner: Mr. Shaskanka Shekhar Saha, Adv.,

For the State: Mr. Binay Kr. Panda

Heard on: 14 December, 2022

Judgment on: 14 December, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application filed by the petitioner for a direction of expeditious hearing of a complaint case being C Case No.2190 of 2019 under Section 138 of the Negotiable Instrument Act. Petitioner is the complainant of the said case.

2. It is submitted by the petitioner that he filed a complaint under Section 138 of the Negotiable Instrument Act on 26th November, 2019 against the accused/opposite party. After examination of the petitioner on solemn affirmation, the trial court issued process against the opposite party/accused. Subsequently, warrant of arrest was issued on 4th March, 2020. The accused surrendered before the trial court after a lapse of more than two years on 6th June, 2022. Thereafter, vide order dated 21st July,

2022, the learned Additional Chief Judicial Magistrate, Barasat sent the case record to National Lok Adalat for settlement. The dispute between the parties have not been settled and the case was again sent to the court of the learned Additional Chief Judicial Magistrate at Barasat for trial.

3. I have heard the learned Advocate for the petitioner. I have also perused the materials on record. In the instant case accused has not yet been examined under Section 251 of the Cr.P.C. Trial of the case has not been commenced. Therefore, this is a premature application where this court cannot pass any direction upon the trial court for expeditious disposal.

4. However, considering the fact of the instant complaint is pending since 2019, the learned Magistrate is directed to take immediate step for examination of the accused under Section 251 of the Cr.P.C.

(Bibek Chaudhuri, J.)