

11.07.2023

Item Nos.5 & 6.
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1362 of 2023

**Maitreyee Das
versus
The State of West Bengal & Anr.**

With

C.R.R 1 of 2023

**Swarupananda Pal
versus
The State of West Bengal & Anr.**

Mr. Soumyajit Das Mahapatra,
Mr. Supriyo Das,
Ms. Madhurai Sinha

... For the Petitioner in CRR 1362 of 2023 and
Opposite Party No.2 in CRR 1 of 2023.

Mr. Pravas Bhattacharya,
Mr. Arup Kundu

... For the Petitioner in CRR 1 of 2023 and
Opposite Party No.2 in CRR 1362 of 2023.

CRR 1362 of 2023 and CRR 1 of 2023 arise out of the same Complaint Case being CR-63A of 2018/R 126 of 2018 under Section 138 of the Negotiable Instruments Act pending before the learned Additional Chief Judicial Magistrate, Jhargram.

Supplementary affidavit filed on behalf of the petitioner in CRR 1 of 2023 be kept on record.

In CRR 1 of 2023, the accused/petitioner approached this Court challenging the continuance of the proceedings and particularly with regard to the factum of non-compliance of the statutory period within which the demand notice should have been issued. According to the learned advocate for the petitioner that date of depositing the cheque has been very vaguely narrated in the petition of complaint and it has

been correlated with the date of receipt of bank intimation on 29.09.2018.

The subject-matter obviously would enure benefit in case the statutory compliances have not been made. In this case, the learned Magistrate initially took cognizance of the offence and subsequently issued process. At the stage of issuing process, the learned Magistrate perused the documents. Now the question remains over here is that whether there was statutory delay during the said period. As truth or falsity of the allegations cannot be gone into by this Court at this stage under Section 482 of the Code of Criminal Procedure, I do not intend to interfere regarding such factual circumstances and its veracity. The proper course for the accused/petitioner to elicit the truth is in course of cross-examination. If there is statutory delay, the accused at the final stage would be entitled to acquittal. However, no interference is made at this stage.

Next part the CRR 1362 of 2023 has been filed for expeditious disposal of the case. The records reflect that the subject-matter of the cheque and the initiation of the case is of the year 2018. More than five years have passed and the ordersheets will reflect for plea and compensation/payment.

The learned Magistrate would pursue the case by fixing at least one date in a month so that trial of the case can be taken to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the revisional applications being CRR 1362 of 2023 and CRR 1 of 2023 are disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)