

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 315 of 2023

***Mohbul Sk
Vs.
The State of West Bengal & Anr.***

For the State : Ms. Debjani Sahu, Adv.

Heard on : 17.04.2023.

Judgment On : 17.04.2023.

Bibek Chaudhuri, J.

None appears on behalf of the petitioner. However, on perusal of the contains of the instant petition, this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Public Prosecutor-in-Charge. Therefore, Ms. Debjani Sahu, learned Advocate is appointed as the learned Public Prosecutor-in-Charge to assist this Court on behalf of the opposite party. Appointment of Ms. Debjani Sahu be regularized by the learned Legal Remembrancer, Government of West Bengal.

By filing the instant application, the petitioner has prayed for a direction upon the Trial Court for expeditious disposal of C.R. Case No.1109 of 2019 which is a complaint under Section 138 of the

Negotiable Instruments Act presently pending before the learned Judicial Magistrate, 2nd Court at Jangipur, Murshidabad.

It is submitted by the learned Advocate for the petitioner that the opposite party in order to discharge his existent, debt and liability issued a cheque of 8,00,000/- on 10th May, 2019. The said cheque was dishonoured on 21st May, 2019. Subsequently, the petitioner served notice upon the opposite party during the statutory period of time requiring him to make payment of the cheque amount but he failed to pay the same within the statutory period of time. Then the petitioner filed the complaint under Section 138 of the Negotiable Instruments Act on 16th October, 2019. The accused person/opposite party duly appeared before the Trial Court and next date was fixed on 26th February, 2021. However, on 26th February, 2021 the opposite party remained absent without any step. As such, warrant of arrest was issued against the opposite party fixing 6th August, 2021 for his appearance. Since then the warrant of arrest has not been executed by the police authority and due to his absconsion, the trial of the case is not proceeding.

Having heard the learned Advocate for the opposite party, the instant revision is disposed of directing the learned Magistrate, 2nd Court at Jangipur, Murshidabad to take appropriate step for execution of warrant of arrest through the Superintendent of Police, Jangipur

Police District so that the opposite party can be brought to trial and the trial of the case may be expedited.

With the above direction, the instant revision is disposed of.

Parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.24.
D/L.***