

31.07.2023
Serial no. 38
[G.S.D]

CRR 1225 of 2023

In the matter of : Niladri Ghosh

... .. Petitioner

Mr. Swapan Kumar Mallick
Mr. Rabibur Rahman

... For the Petitioner

The petitioner has prayed for expeditious disposal of Case No. CN 779 of 2020 pending before the Learned Metropolitan Magistrate, 18th Court, Calcutta under section 138 of the Negotiable Instruments Act, 1881.

Learned Advocate for the petitioner submits that till date evidence has not been commenced and the accused person(s) has been evading the Court.

It has also been submitted that although on 23rd February, 2023, the Learned Magistrate directed to pay interim maintenance under Section 143A of the Negotiable Instrument Act, but till date the same has not been complied with.

The petitioner is aggrieved by the factum of the proceedings pending for three years without any progress in the trial of the case. So far as the issue relating to interim maintenance is concerned, the petitioner would be at liberty to exhaust the process under Section 421 of the Cr.P.C.

So far as the issue relating to the progress of the trial is concerned, I direct that on and from the next date, the Learned Trial Court would fix a date once in a month for the purpose of the trial of the case, so that the same can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment should be granted to any of the parties.

The Learned Trial Court, in case, finds that there is no cooperation from the side of the accused persons, in that case, the Learned Trial Court would be at liberty to impose conditions on the bail already granted for compelling the appearance and for progress of the trial of the case.

With the aforesaid observations, CRR 1225 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)