

08.12.2023
Serial no. 44
[G.S.D]

CRR 1669 of 2023

In the matter of : Pinaki Ghosh

Mr. Debajyoti Deb
Mr. Shyamal Mondal
Ms. S. Parekh

... .. Petitioner

... for the petitioner

The petitioner is aggrieved by the fact that a case being CS Case No. 3484 of 2019 (T.R. No. 732 of 2019) under section 138 of the N.I. Act is pending before the Id. JM, 2nd Court, Alipore for a period of more than four years.

Ld. advocate for the petitioner submits that the accused persons are evading the process of law as such, till date, only the case has reached up to the stage of Section 251 of the Cr.P.C. The Id. Magistrate has fixed 31st December, 2023 for consideration of the application under Section 143A of the N.I. Act. Till date, none of the witnesses has been examined.

In view of the pendency of the proceedings for the last four years, I direct the Id. Magistrate to dispose of the application under Section 143A of the N.I. Act on the next date so fixed or within a fortnight thereafter.

For the purposes of evidence of this case, the Id. Magistrate on and from the month of February, 2024 would fix one date in a month so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

In case, accused persons are evading the process of law, in that case, the Id. Magistrate would be at liberty to impose condition for meeting with the officer in charge or inspector in charge of the local p.s. once in a week so that their appearance is ensured on the date so fixed for examination of the witnesses.

With the aforesaid observations, CRR 1669 of 2023 is 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.)