

06.07.2023

Item No.100

Ct.No.34

dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 2418 of 2023

In the matter of : **Shamser Singh Hura** ... Petitioner.

Mr. Pawan Kumar Gupta,
Mr. Debangshu Dinda,
Mr. Aditya Ratan Tiwary ... For the Petitioner.

The petitioner has challenged the continuance of the proceedings under Sections 138 read with Section 141 of the Negotiable Instruments Act which is pending before the learned Judicial Magistrate, 8th Court, Alipore.

Mr. Gupta, learned advocate appearing for the petitioner submits that the petitioner is in no way related to the firm and has been falsely implicated in connection with the instant case. Learned advocate submits that there are documents in his custody which would substantiate such contention.

Be that as it may, I find that the present case being Complaint Case No. AC/4003 of 2016 was initiated seven years ago. Records reflect that the petitioner was allowed to be represented through the learned lawyer under Section 205 of the Code of Criminal Procedure. Thereafter there was no follow up of the present complaint case for which there has been sufferance of the complainant. Having regard to the period of time which has lapsed in the meantime, I am of the view that at this belated stage, it would not be fit and proper to invoke the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

However, the petitioner would be at liberty to canvass the points which have been raised in the present application both by oral and documentary evidence at the stage of cross-examination of the complainant and also by adducing defence witness for the purposes of rebutting vicarious liability of the petitioner at the appropriate stages.

In view of the delay which has already occasioned in the present case, I direct the learned trial court to conclude the trial within three months from the next date so fixed. It is further directed that this complaint case and/or its trial would continue irrespective of any resolution taken by the local Bar.

As the substantive offences complained of are bailable, in case the petitioner appears before the court, he may be released on bail.

With the aforesaid observations, the revisional application being CRR 2418 of 2023 is 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.)