

Form J(1)

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

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

CRR 2596 of 2022

**Sri Ambrish Chowbey
Vs.
Sri Subhomoy Bhattacharya**

For the petitioner : Mr. Krishna Das Poddar, Adv.

For the State : Mr. Sudip Ghosh, Adv.

Judgement on : 16.01.2023.

Bibek Chaudhuri, J.

Liberty is given to the petitioner to amend the cause title of the instant revision.

This is an application for a direction upon the Trial Court for expeditious disposal of a complaint case bearing No. AC 2540/2018 under Section 138 of the Negotiable Instruments Act pending before the learned Judicial Magistrate, 5th Court at Alipore.

It is submitted on behalf of the petitioner that the aforementioned complaint case was instituted in the year 2018. Subsequently, after issuance of process the accused appeared, he was duly examined under Section 251 of the Code of Criminal Procedure and date was fixed in the year 2021 for recording evidence. Subsequently, till date recording of evidence has not been concluded.

It is unfortunate to note that in a proceeding under Section 138 of the Negotiable Instruments Act, recording of evidence cannot be concluded within a span of more than one year. This Court hopes that the learned Magistrate must be aware of the provision contained in Section 143(3) of the Negotiable Instruments Act where it is directed that every trial under Section 138 of the Negotiable Instruments Act shall be concluded as expeditiously as possible and an endeavour shall be made to conclude the trial within six months from the date of filing of the complaint. The learned Magistrate did not take recourse of the said provision. Accordingly, the instant revision is allowed.

The learned Magistrate, 5th Court at Alipore is directed to conclude the trial of the case within six months from the date of communication of this order positively and then proceed to its logical conclusion within one month thereafter.

The petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 98.