

11.12.2023
Item No. 71
Ct. No.33
(Susanta)

CRR 1690 of 2014

M/s. Handy Suppliers (P) Ltd.
Vs.
M/s. PSV Metal & Alloys (P) Ltd. & Ors.

None appears for the parties.

The matter has been fixed today under the heading
“For Orders”.

The revisional application has been filed against the order dated 20.03.2014 passed by the learned Chief Metropolitan Magistrate, Calcutta rejecting the application filed under Section 142(b) of the Negotiable Instruments Act, 1881 for condonation of delay of 135 days in filing the complaint case without considering the document filed by the petitioner in case No.11313 of 2013 and dismissing the aforesaid complaint case.

Section 142(b) of the Negotiable Instruments Act, 1881 herein quoted below:-

“such complaint is made within one month of the date on which the cause of action arises under clause (c) of the proviso to Section 138:

[Provided that the cognizance of a complaint may be taken by the court after the prescribed period, if the complainant satisfies the court that he

***had sufficient cause for not making a
compliant within such period.]***

The impugned order dated 20.03.2014 does not suffer from any illegality and/or impropriety as the Trial Judge has concluded the appeal with the observation that the complainant did not file cogent reasons to justify the application for condonation of delay of 135 days in filing the petition with regard to the restriction of movement of the petitioner debarring him to appear before the Court in order to file the aforesaid application.

This Court is not inclined to interfere with the impugned order and as such, the revisional application is dismissed.

Copy of the order be sent to the department and the Trial Court for immediate compliance.

(Ananya Bandyopadhyay, J.)