

July 14, 2023
AD – 11
Ct. 34
SG

CRR 2540 of 2023

Nidhi Casting & Alloys Private Limited
-versus-
Leading Hotels Limited and another

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
... for the petitioner.

Petitioner is aggrieved by the manner in which the proceedings relating to Complaint Case No.C/16007 of 2021 under Sections 138/141 of NI Act pending before the learned Metropolitan Magistrate, 11th Court, Calcutta.

Petitioner has drawn the attention of this Court that earlier on 21.06.2022 a Coordinate Bench was pleased to direct to conclude the proceedings preferably within a period of 6 months.

Learned advocate for the petitioner submits that more than a year has passed and the evidence of the case has not commenced.

Petitioner is directed to submit affidavit-in-chief and oral evidence on the next date fixed before the learned trial court.

Learned trial court would fix date for the purposes of the case as there was an earlier direction in CRR 1810 of 2022, preferably every 10 days so that the trial of the case

can be concluded at the earliest. In case payment is not made so far as compliance of Section 143A of NI Act is concerned.

The complainant would be at liberty to take out a separate execution case and the main proceedings should not be stalled only on the ground that the payment has not been made.

The cross-examination should be concluded on the date on which the examination in chief is concluded or on the very next date so concerned.

With the aforesaid observations, CRR 2540 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

