

D/L11
20.07.2023
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C.R.R.2614 of 2023

In Re: An application under Section 483 of the Code of Criminal Procedure, 1973;

Hem Bhattacharya
Versus
The State of West Bengal and another

Mr. Satadru Lahiri
Mr. Musharrof Hossain.
...for the petitioner.

Learned advocate appearing for the petitioner is aggrieved by the proceedings under Section 138 of the Negotiable Instruments Act arising out of NI Act 247 of 2018 (TR No.172 of 2019) pending before the learned Judicial Magistrate, 3rd Court, Sealdah. Learned advocate submits that the petitioner approached the Court in the year 2018. Subsequently, the accused appeared and substance of the accusation was read over and the evidence of PW 1 being the complainant was over on November, 2022. Thereafter, the accused adopted means of avoiding the court and stretching the case.

Having considered the fact that after the examination-in-chief of the complainant was over and till date no cross-examination has been conducted on behalf of the accused/opposite party, I direct that the learned Magistrate henceforth would fix at least one date in every 45 days for the purposes of this case so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. In case, learned Magistrate is of the view that the accused is creating deterrence in the smooth progress of

the case, the learned Magistrate will not allow the accused to be represented through his counsel and impose conditions that his physical appearance is ensured before the court. Learned trial court would in the fitness of circumstances from the next date onwards grant three more dates for completion of cross-examination of PW1. All efforts thereafter be taken to conclude the trial and pronounce the judgment at the earliest.

With the aforesaid observations, CRR 2614 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)