

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2905 of 2022

Consolidated Rayon Limited
-Vs-
The State of West Bengal & Ors.

For the Petitioner: Mr. Rachit Lakhmani, Adv.,
Mr. Mohammed Amin, Adv.,
Mr. Ghulam Muztaba, Adv.,
Mr. Vandana Nathany, Adv.,
Mr. Uzma Masood, Adv.

For the State: Mrs. Trina Mitra, Adv.

Heard on: 4th April, 2023

Judgment on: 4th April, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application filed by the petitioner for a direction of expeditious hearing of a complaint case being C Case No. 1776 of 2021 under Section 138 read with Section 141 of the Negotiable Instruments Act pending before the Learned 5th Judicial Magistrate at Alipore.

2. It is submitted by the petitioner that a complaint was filed under Section 138 read with Section 141 of the Negotiable Instrument Act on 3rd September, 2021 against the opposite parties 2 to 4. The case was transferred and fixed for examination of the petitioner on 9th November, 2021. After several adjournments the petitioner's examination was done

on 3rd March, 2022 and process was issued against the opposite parties. Subsequently, summon was issued but none of the opposite parties appeared and the learned advocate representing them simply sought time to file vakalatnama and delaying the matter.

3. I have heard the learned Advocates for the petitioner. I have also perused the materials on record. In the instant case accused has not yet been examined under Section 251 of the Cr.P.C. Trial of the case has not been commenced. Therefore, this is a premature application where this court cannot pass any direction upon the trial court for expeditious disposal.

4. However, considering the fact of the instant complaint is pending since 2021, the learned Magistrate is directed to take immediate step for examination of the accused under Section 251 of the Cr.P.C.

5. The instant revision is thus disposed of.

(Bibek Chaudhuri, J.)