

10.08.2023

Item No.51
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2873 of 2023

In the matter of : **Sudip Mukherjee** ... Petitioner.

Mr. Ayan Bhattacharjee,
Mr. Shounak Mondal,
Mr. Ayan Basu,
Mr. Suman Majumder ... For the Petitioner.

The petitioner is aggrieved by the manner in which the Case No. C-264/2022 pending before the learned Judicial Magistrate, 3rd Court, Barrackpore under Sections 138/141 of the Negotiable Instruments Act is progressing.

Learned advocate appearing for the petitioner submits that the accused persons are intentionally and designedly making themselves absent in such a manner that the proceedings cannot progress before the learned trial court.

The learned trial court in such circumstances, if it is of the opinion that the accused persons are contributing to the delay, would take steps by imposing cost. The learned trial court would fix a date for examination of the accused persons under Section 251 of the Code of Criminal Procedure on 11.09.2023 and complete the said process within a fortnight thereafter.

The learned trial court is directed that in case there is non-cooperation at the stage of Section 251 of the Code of Criminal Procedure, the learned trial court would immediately resort to the provisions of Section 143A of the Negotiable Instruments Act for interim compensation to be paid.

The learned trial court would fix at least one date in every 45 days so that trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment should be granted to either of the parties.

Any absence of the accused persons without a reasonable cause must be dealt with harshly keeping in mind the object of the legislature as enacted for disposing of the proceedings under Section 138 of the Negotiable Instruments Act.

With the aforesaid observations, the revisional application being CRR 2873 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)