

10.08.2023

Item No.52
Ct.No.34
dc.

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

C.R.R. 2874 of 2023

In the matter of : **Sri Swapan Kumar Bhattacharya**
... Petitioner.

Mr. Mit Guha Roy,
Mr. Sayan Kanjilal ... For the Petitioner.

Learned advocate appearing for the petitioner submits that in respect of Case No. AC 1737 of 2020 which is pending before the learned Judicial Magistrate, 9th Court, Alipore under Section 138 of the Negotiable Instruments Act. There is hardly any progress in the proceedings because the accused persons are designedly making themselves absent so that the learned trial court is unable to smoothly proceed with the case. The next date as has been informed is fixed on 02.09.2023 for examination under Section 251 of the Code of Criminal Procedure.

Learned Magistrate is directed to conclude the said stage of Section 251 of the Code of Criminal Procedure on the date so fixed or within a fortnight thereafter. In case there is non-cooperation from the accused persons, the learned Magistrate would be at liberty to impose exemplary cost. In case there is a purposeful delay for recording the substance of accusation because of absence of the accused, learned Magistrate would be at liberty to invoke the provision of Section 143A of the Negotiable Instruments Act by way of granting interim compensation.

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. All efforts be taken to conclude the trial as early as possible 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 2874 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.)