

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3165 of 2022

**Samrat Bhowmik
Vs.
Orbit Multilevel Marketing (P) Ltd. & Anr.**

For the petitioner : Mr. Tapas Dutta, Adv.

Judgement on : 24.01.2023.

Bibek Chaudhuri, J.

Having heard the learned Advocate for the petitioner and after close perusal of the instant revision this Court is of the view that the instant revision can be disposed of here and now.

The petitioner has approached this Court for expeditious disposal of a complaint under Section 138 of the Negotiable Instruments Act which was registered as CS/2802/2017 presently pending before the learned Metropolitan Magistrate, 8th Court at Calcutta.

Suffice it to say that previously two Coordinate Benches of this Court passed order in CRR 66/2021 on 11th January, 2021 and in CRR 2302/2021 on 13th April, 2022 directing the learned Magistrate to dispose of the matter as expeditiously as possible. Learned Magistrate, it is alleged, does not take any proactive action for early

disposal of the above-mentioned case under Section 138 of the Negotiable Instruments Act. It is also submitted by the learned Advocate for the petitioner that the case is pending for examination of witnesses on behalf of the defence but repeated adjournments are being taken on behalf of the defence causing delay in disposing of the said complaint case.

In view of such circumstances, the instant revision is disposed of directing the learned Metropolitan Magistrate, 8th Court at Calcutta to dispose of CS/2802/2017 within two months from the date of communication of this order. The above direction is peremptory and obligatory if the learned Magistrate fails to comply with the order without granting any unnecessary adjournments to either of the parties, the petitioner is at liberty to move this Court against dilatory tactics for which the Court remains as a mute spectator.

The petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 16.