

24.08.2023

Item No.17
Ct.No.34
dc.

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

C.R.R. 3078 of 2023

In the matter of : **Shakti Bag @ Sri Sakti Bag** ... Petitioner.

Mr. Dipanjan Chatterjee,
Mr. Sukumar Ghosh,
Mr. Kalyan Kumar Bhattacharjee,
Ms. Moumita Ghosh ... For the Petitioner.

Learned advocate appearing for the petitioner has challenged the continuance of the proceedings being CR Case No. 115 of 2020 under Section 138 of the Negotiable Instruments Act. The petitioner canvassed the issue relating to delay by way of taking out an application before the learned Magistrate/Trial Court. The learned trial court rejected the same. Against that the present revisional application has been preferred.

Within the scheme of Section 138 of the Negotiable Instruments Act, the statutory period is an integral part of the Act. If there has been non-compliance of the same, the said issue remains open till the final arguments of the case. Accordingly, the petitioner is granted liberty to take up the issue relating to delay at the stage of cross-examination, Section 313 of the Code of Criminal Procedure defence evidence as well as final arguments of the case.

The learned trial court has imposed cost of Rs.2000/- upon the petitioner in its order dated 26.06.2023. The said part of the order is set aside. However, the petitioner henceforth will cooperate with the learned trial court. The learned trial court would fix at least one date in every 60 days

so that trial of the case can be concluded within a reasonable period of time.

With the aforesaid observations, the revisional application being CRR 3078 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.)