

Form J(1)

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

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

CRR 3566 of 2022

**Jogendra Kumar Ganoria
Vs.
Debashree Chakraborty**

Mr. Jaydip Basu
Ms. Debangana Gupta
..for the petitioner

Mr. Rudradipta Nandy, APP
Ms. Sonali Das
..for the State

Item No. 20.

Heard & Judgment on: 10.01.2023

Bibek Chaudhuri, J.

This is an application for a direction upon the trial Court
for expeditious disposal of a complaint case being Case No.C228

of 2021 pending before the learned Judicial Magistrate, 5th Court at Howrah.

It is ascertained from the complaint that on completion of the requirements under Section 138 of the Negotiable Instruments Act the complainant filed a complaint which was registered as Case No. C228 of 2021 on 17th April, 2021. Subsequently, the learned Magistrate took as many as five dates to examine the complainant on solemn affirmation and issuance of process. On 17th November, 2021 the accused surrendered before the trial Court and she was granted bail. Subsequently, date was fixed on 5th February, 2022 for appearance of the accused and examination under Section 251 of the Code of Criminal Procedure. The accused was not examined under Section 251 of the Code of Criminal Procedure on 5th February, 2022. Thereafter the date was fixed on 30th April, 2022, 30th July, 2022, 5th September, 2022 and 2nd December, 2022 but till date the learned Magistrate did not even find time to examine the accused under Section 251 of the Code of Criminal Procedure.

Considering the averment made in the instant revision and submission made by the learned advocate for the petitioner, this

Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned P.P.-in-charge. Mr. Rudradipta Nandy, learned P.P.-in-charge is requested to assist this Court.

It is submitted by Mr. Nandy that the learned Magistrate cannot procrastinate the proceeding of a case under Section 138 of the N.I. Act in view of the amending provision of Section 143 of the N.I. Act directing the trial Court to dispose of such case within six months from the date of recording of the plea.

Considering the submission made by the learned advocate for the petitioner and the learned P.P.-in-charge, this Court disposes of the instant revision directing the learned Magistrate to examine the accused positively on the next date fixed. If the accused does not appear on any reason whatsoever on the next date the learned Magistrate shall fix a date for examination of the accused persons within seven days thereafter. For compelling appearance of the accused the learned Magistrate is at liberty to take all necessary steps as provided in the Code of Criminal Procedure. After examination of the accused under Section 251 of the Code of Criminal Procedure, the learned Magistrate shall conclude the trial of the case within six months

from the date of examination of the accused under Section 251 of the Code of Criminal Procedure. The time limit is peremptory and the learned Magistrate is under obligation to dispose of the case within the time limit fixed by this Court.

The instant revision is, thus, disposed of.

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

(Bibek Chaudhuri, J.)