

18.11.2023
Serial no. 426
[G.S.D]

CRR 4176 of 2023

In the matter of : Rajdeep Roy

... .. Petitioner

MR. AYAN BHATTACHERJEE
MR. AYAN BASU
MR. SHOUNAK MONDAL
MR. SUMAN MAJUMDER

... FOR THE PETITIONER

The petitioner is aggrieved by the manner of progress of the case, being C-256 of 2022, which is pending before the Id. JM, 1st Court, Barrackpore under section 138/141 of the N.I. Act.

The Id. advocate submits that because of the conduct of the accused/o.p.s, there has been no progress in the trial of the case, and the application u/s 143A of the NI Act is pending.

Hence, the Id. JM, 1st Court, Barrackpore, in case, finds that the accused/o.p. are not cooperating with the progress of the trial or they are adopting any dilatory tactics for stretching the trial, the Id. Magistrate would be at liberty to fix an officer of the Barrackpore Police Commissionerate with whom once in a week the accused/o.p.s would attend and the concerned officer would submit a report of compliance once in a month till further orders of this court.

The Id. Magistrate would fix at least one date in every 45 days for the purposes of the trial of the case so that the trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournments shall be granted to either of the parties.

If the accused persons are absent in Court on the date so fixed without any reason, in that case, the Id. Magistrate would ask the officer concerned before whom the accused person(s) would be appearing, to take steps for ensuring the appearance of the accused/o.p.s before the court and/or resort to harsher process of law.

All efforts be taken for disposal of the trial by adhering to the legislative dictum incorporated in the amended provisions of the N.I.Act.

With the aforesaid observations, CRR 4176 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

