

Form J(1)

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

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

C.R.R. 4508 of 2022

***M/s. Bharat Enterprise
Vs.
Sourashakti (Proprietorship Business) & Ors.***

**For the petitioner : Mr. S.S.Roy, Adv.
Mr. A. Chakraborty, Adv.
Mr. A. Banerjee, Adv.**

For the State : Mrs. Sujata Das, Adv.

Heard on : 13.01.2023

Judgment On : 13.01.2023.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for expeditious disposal of complaint case No.442C of 2018 under Section 138 of the Negotiable Instruments Act pending before the learned Judicial Magistrate, 1st Court at Malda.

On perusal of the instant application this Court is of the view that the instant revision can be disposed of here and now. The case under Section 138 of the Negotiable Instruments Act was registered in the year 2018. In the meantime, four years have elapsed. However,

till date the accused has not been examined even under Section 251 of the Code of Criminal Procedure.

It is needless to say that a case under Section 138 of the Negotiable Instruments Act is required to be disposed of within six months from the date of examination of the accused under Section 251 of the Code of Criminal Procedure. This Court elaborately passed a practice direction in respect of the cases under Section 138 of the Negotiable Instruments Act vide Notification 2301RG dated 27th April, 2022. The learned Magistrate is not following such practice direction.

For the reasons stated above, the Trial Court is specifically directed to examine the accused/opposite party within four weeks from the date of communication of this order and conclude the trial of the case within six months thereafter.

The instant revision is, thus, disposed of.

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

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.33.
D/L.**