

01-02-2024
Subha
Item no. 27
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 198 of 2024

Devanshu Daga
-versus-
M/s. Global Casting Pvt. Ltd.

Mr. Sompriya Chowdhury
Mr. Sagnik Basu
Mr. Subhrajyoti Basu
Mr. Dipayan Dan

.....for the petitioner.

Mr. Chowdhury, learned advocate for the petitioner submits that there are no allegations so far as the present petitioner is concerned in the complaint under Section 138 of the N. I. Act and unnecessarily the petitioner is facing the ordeal of trial.

Learned advocate submits that he is covered by the principles settled by the Hon'ble Supreme Court in respect of the minimum requirements of a complaint to be filed under Section 138 of the N. I. Act for vicariously implicating an individual.

I find that this is a peculiar circumstance as the case was instituted in the year 2012 and more than 11 years have passed since the case was initiated and the complainant is without any remedy of at least outcome of the findings. The pendency of a case under Section 138 of the N. I. Act for 12 years itself jeopardizes the object and purpose for which the legislature had the intention of incorporating the relevant provisions in the old Act of 1881.

Be that as it may, the petitioner is granted liberty at this

belated stage to take all the points in course of trial if the same is still pending. Learned advocate prays for dispensing with the personal appearance in the day-to-day proceedings before the learned trial court. Accordingly, if an application under Section 205 of the Code of Criminal Procedure is filed before the learned Judicial Magistrate, 2nd court, Alipore in connection with the Case No. C-7039 of 2012 with appropriate undertakings as has been settled by the Hon'ble Apex Court, the learned trial court would allow the petitioner to be represented by a lawyer until and unless the physical presence of the petitioner is necessary for the progress of the case.

With the aforesaid observations, the revisional application being CRR 198 of 2024 is disposed of.

Pending applications, if any, are disposed of accordingly.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

