

28.03.2024

Item No.68
Ct.No.34
dc.

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

C.R.R. 1283 of 2024

In the matter of : **Tapan Kumar Dey** ... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha,
Mr. Niladri Saha ... For the Petitioner.

Learned advocate appearing for the petitioner has submitted that because of filing an application under Section 143A of the Negotiable Instruments Act, the petitioner was penalised with cost of Rs.1000/-. The learned trial court was over-reactive to the order passed in CRR 2114 of 2023 and had passed the said order. Without going into the intricacies of the said order, I find that the learned Magistrate had been fixing several dates and on different pretext including delay contributed by the complainant, there has been stretching of time in a proceeding under Section 138 of the Negotiable Instruments Act. The complainant should have been cautious and preferred an application under Section 143A of the Negotiable Instruments Act after the examination of the accused under Section 251 of the Code of Criminal Procedure was over. The filing of the same prior to the date has really contributed to some delay. However, having regard to the advice of the learned lawyer one cannot foist punitive action so far as the litigant is concerned, I set aside the order of imposing cost of Rs.1000/-.

Ordersheets reflect that the learned trial court has been progressing sincerely with the case and on 30.01.2024,

learned court has already overcome the stage of Section 251 of the Code of Criminal Procedure. Having regard to the same, I am of the view that the learned trial court would fix at least one date in a month henceforth so that the trial can be taken to its logical conclusion within a reasonable period of time. If within a period of next six dates (one date being fixed in each month), the delay is contributed at the instance of the accused, the learned Magistrate would on a proper application under Section 143A of the Negotiable Instruments Act consider the issue relating to interim compensation.

All efforts be taken by the learned trial court considering the fact that the case was initiated in the year 2020, at least the prosecution evidence be completed by 31.10.2024. The learned trial court will thereafter take steps for the purposes of Section 313 of the Code of Criminal Procedure within a period of 60 days preferably by first week of December, 2024. After the examination under Section 313 of the Code of Criminal Procedure is completed, defence be afforded opportunity and all efforts be taken so that by 30.04.2025, the learned trial court would be in a position to pronounce the verdict of the case.

With the aforesaid observations, the revisional application being CRR 1283 of 2024 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.)