

01.04.2024
Serial no. 2
[G.S.D]

CRR 2049 of 2023

In the matter of : Alok Kedia

... .. Petitioner

Mr. Satadru Lahiri
Mr. Soumya Nag
Mr. Bimalendu Das
Mr. Shomrik Das

... for the petitioner

Mr. Arindem Sen
Mr. Saurav Basu

... for the O.P. No.2

Supplementary Affidavit filed by the petitioner be kept with the record.

Ld. Advocate for the private opposite party is also present.

The case is under the provisions of 138 of the N.I. Act. The main thrust of arguments of the Id. Advocate for the petitioner is that his counsel being an octogenarian could not appear because of shoulder injury and on that date the Id. Metropolitan Magistrate, 14th Court, Calcutta in connection with CN 30 of 2019 was pleased to fix defence evidence and fixed date for final argument of the case. The arguments were also advanced on behalf of the complainant but the defence having prayed for adducing evidence, their arguments were also closed.

It has also been informed to this court that next date has been fixed for delivery of judgment on 25th of June, 2024.

Having considered the fact that at the final stage of the case, because of the lawyer, a litigant should not suffer, I am of the view that one date should be granted for adducing defence evidence and another date for rebutting the arguments which have been advanced on behalf of the complainant. The complainant will get a date for reply in respect of the arguments advanced on behalf of the accused/petitioner.

As both the parties are represented before this court, I direct that the records of the case being C.N. 30 of 2019 be placed before the Id. Metropolitan Magistrate, 14th Court, Calcutta for defence evidence on 23rd of April, 2024.

The arguments on behalf of the defence be completed on 3rd of May, 2024. Reply, if any, on behalf of the complainant be completed by 10th of May, 2024 and the Id. Trial court would deliver the judgment as was earlier fixed i.e., on 25th of June, 2024.

Ld. Advocate appearing for the complainant submits that the accused has taken the law in his own hand and is trying to delay the proceedings of the case for a considerable of time.

But, having regard to the concept of principles of natural justice, as stated above, that there was no fault of the litigant on the pre-fixed date and it was the Id. Counsel who because of personal ground could not appear before the court, I am inclined to grant an opportunity to the accused person. The time schedule and the time frame which has been fixed above be adhered to by the parties and under no circumstances the same should be stretched by any of the stakeholders.

It has been informed that that there is a non-bailable warrant of arrest, which has been issued. The said non-bailable warrant of arrest be kept in abeyance till delivery of judgment of the present case.

It has further been informed that the present court being the Id. Metropolitan Magistrate, 14th Court, Calcutta, is vacant. Under such circumstances, the Addl. Chief Metropolitan Magistrate in charge of Burra Bazar P.S. would withdraw the records the case from the Id. Metropolitan Magistrate, 14th Court, Calcutta and strict to the schedule for disposing of the proceedings relating to C.N. 30 of 2019 under section 138 of the N.I. Act.

The Id. Registrar (Judicial Service), High Court, Calcutta would communicate this order to the Id. ACMM, who usually presides over the jurisdiction of Burra Bazar P.S.

With the aforesaid observations, CRR 2049 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, 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.)