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CRR 2555 of 2012

In the matter of : Punam Chand Golcha.  
.... petitioner.

Mr. Chittapriya Ghosh  
.... for the petitioner  
Mr. Sailesh Kumar Gupta  
... for the O.P. No.2

The instant revisional application has been filed being aggrieved by an order dated 14.05.2012 passed by the learned District & Sessions Judge, Birbhum at Suri in Criminal Motion No. 03 of 2011 arising out of order dated 14.12.2010 passed by the learned Chief Judicial Magistrate, Birbhum at Suri in Complaint Case No. 118 of 2005 under Sections 138 of the Negotiable Instrument Act 1881

On perusal of the contents of the petition as well as the impugned order it appeared that the complainant No.2/petitioner had deliberately evaded to appear before the Court on several occasions who had been given ample opportunities. Thereafter, the learned Magistrate, vide Order No. 7 dated 14.12.2010 was compelled to dismiss the Complaint Case No. 118 of 2005.

The petitioner/complainant being aggrieved by such dismissal of the aforesaid complaint case preferred a revision being Criminal Motion No. 03 of 2011 before the learned

District & Sessions Judge, Birbhum at Suri upholding the order of the CJM, Suri, Birbhum.

The instant revisional application has been filed against the aforesaid order passed by the learned District & Sessions Judge, Birbhum at Suri in Criminal Motion 3 of 2011.

Heard the submission of the learned advocates for both the parties.

Perused the contention of the petition as well as the order-sheet of the Trial Court so annexed. Sufficient time was given by the learned trial court to the petitioner to appear before the Court and record her evidence under Section 200 of the Code of Criminal Procedure. However, the petitioner did not appear before the Court either on 21.05.2010 whereby the revision of the impugned order dated 24.08.2009 was set aside.

The petitioner was further directed to appear before the CJM, Suri, Birbhum on 28.05.2010 in order to adduce evidence. The complainant/petitioner did not appear before the Court on 28.05.2010. The learned trial court considerably fixed the next date on 10.08.2010 for recording evidence. The complainant/petitioner did not appear before the Court on 10.08.2010 to record her statement, on the ground of illness. Considering the same the learned trial court adjourned the recording of evidence till 14.12.2010 on the date so fixed. The complainant/petitioner did not appear before the Court and the trial court was absolutely justified in dismissing the Criminal Motion No. 03 of 2011.

The impugned order does not suffer from any illegality or impropriety and this Court does not inclined to interfere with the same.

Accordingly, the instant revisional application is dismissed.

Copy of the order be sent to the trial court for information.

**(Ananya Bandyopadhyay, J.)**