

29.02.2024

Item No.37
Ct.No.34
dc.

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

C.R.R. 4364 of 2023

In the matter of : **Madhulina Ghosh & Anr.** ... Petitioners.

Mr. Sougata Chatterjee ... For the Petitioners.

Ms. Jayshree Saha,
Ms. Susmita Chakraborty,
Mr. Akash Munshi,
Mr. Md. Obaid ... For the Opposite Party.

Learned advocate appearing for the petitioners has prayed for quashing of the order dated 07.10.2023 passed by learned Judicial Magistrate, 3rd Court, Sealdah in connection with a proceeding under Section 138 of the Negotiable Instruments Act. By the said order, the learned Judicial Magistrate, 3rd Court, Sealdah was pleased to close the defence evidence and fixed date on 01.11.2023 for argument. Learned advocate submits that since the petitioner no.1 was carrying, she could not appear on the date so fixed and as such, further time may be afforded.

Learned advocate appearing for the opposite party has drawn the attention of the Court to the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).8728/2023 wherein the Hon'ble Supreme Court was pleased to observe, *inter alia*, as follows :

“The Trial Court is directed to ensure that DW-1 is examined on the date fixed and no further adjourned is granted to the respondents. The matter shall be decided on merits immediately thereafter.”

Having considered the directions of the Hon'ble Supreme Court, I am of the view that any modification of the order is to be prayed before the Hon'ble Supreme Court and this Court has no determination to modify or entertain such prayer as advanced before this Court.

Accordingly, the revisional application being CRR 4364 of 2023 is dismissed.

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.)