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**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

CRR 239 of 2024

**Shri Ashok Das
Versus
Smt. Sangita Agrawala @ Goyal**

Mr. Arnab Saha,

... for the petitioner.

1. Affidavit of service is filed and taken on record.
2. None appears on behalf of the opposite party on call in spite of service of notice.
3. This revisional application has been filed impugning the order dated 14th March, 2024 passed by the learned Judicial Magistrate, 1st Court Alipurduar in connection with CR Case No. 166 of 2020 under Section 138 of the Negotiable Instrument Act.
4. Learned counsel on behalf of the petitioner has submitted that this revisional application has been filed assailing the order of dismissal of the case for default.
5. Learned counsel appearing on behalf of the petitioner has drawn my attention to the preceding orders whereby complainant was directed to submit show cause as to why the case shall not be dismissed for default and the date was fixed on 14.03.2024 when complainant again remained absent and the impugned order was passed by the learned Magistrate dismissing the case for default.

6. Apparently, I do not find any illegality in the impugned order. However, considering the right of opportunity of being heard, I am of the opinion that an opportunity should be given to the complainant to participate in the proceeding initiated by him before the learned Magistrate without taking any adjournment further.
7. Considering the nature of offence alleged in this case as well as the right of opportunity of being heard, the prayer in this revisional application stands allowed.
8. As a sequel, the order impugned dated 14.03.2024 stands set aside and restored the case to its original file and number.
9. Learned Magistrate is requested to dispose of the complaint case as expeditiously as possible without giving any kind of adjournment to any of the parties except in emergency.
10. With this observation, the revisional application stands disposed of.
11. All the parties shall act on the server copy of this order duly downloaded from the official web site of this Court.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)

