

13.03.2025
Item no. 26
Ct.7
Saikat

C.R.R 429 of 2015

**Ashit Porey
Vs.
M/s. SDSR Pharmaceuticals**

1. This is an application under section 482 read with sections 397/401 of the Code of Criminal Procedure, 1973 for setting aside the judgment and order dated 29.01.2015 passed by the learned Additional District & Sessions Judge, 3rd Court at Barrackpore in connection with Criminal Appeal No. 40 of 2013 affirming the judgment and order dated 08.10.2013 passed by the learned Judicial Magistrate (1st Class), 5th Court at Barrackpore in connection with C/273/2009 under section 138 of the Negotiable Instruments Act, 1981, whereby the present petitioner was convicted and sentenced to suffer simple imprisonment for six months and to pay compensation of Rs. 1,50,000/- to the opposite party; in default to suffer further simple imprisonment for four months.

2. A coordinate Bench of this Court vide order dated 12.02.2015 was pleased to direct this matter to appear in the list as 'Contested Application'. In the meantime, an order of stay of the judgment was granted for a period of ten weeks from date or until further orders, whichever is earlier. Thereafter, on 21.04.2015, none appeared on behalf of the opposite party and the interim order of stay was extended till six weeks.

3. Thereafter, the matter again appeared on 09.06.2022 when none appeared on the matter on second call. The matter was adjourned. No order of extension was passed by the Hon'ble Court.

4. The matter again appeared on 10.06.2022, when the learned advocate appearing for the petitioner prayed for a week's time, which was allowed. Again on 20.06.2022, when the matter appeared, nobody was there to represent either the petitioner or on behalf of the opposite parties. No prayer was made for extension of the interim order granted. The matter was pending since 2015 and is running in the Warning List since 20.02.2025.

5. Considering the conduct of the petitioner, this Court finds no reason to keep the matter pending further when the same is pending for last 10 years.

6. Hence the instant criminal revisional application being C.R.R. 429 of 2015 stands dismissed for default.

7. Let a copy of this order be sent to the Courts below by the Department forthwith.

8. All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

[CHAITALI CHATTERJEE (DAS), J.]