

D/L - 122
23/04/2025
Court No.28
S.Kundu

CRR 1602 of 2025

Priyanka Ganda
Vs.
Snehasish Chakraborty

Mr. Dattatreya Dutta
Mr. Dibakar Sardar

...for the petitioner.

Mr. Shibaji Kr. Das
Mr. Amitava Adhikary
Mr. Kushal Kumar

...for the opposite party.

1. Affidavit of service filed in Court today is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is aggrieved with the rejection of petitioner's application under Section 311 of the Code of Criminal Procedure. The same was not decided on merits, but the learned Trial Court was swayed only by the purported delay caused. The earlier learned counsel who was conducting the case failed to put relevant questions. The most important question pertains to a GD entry lodged by the petitioner regarding theft of the cheque leaf in question. The application under Section 311 of the Code clearly set out the grounds, but the same was not

properly considered by the learned Trial Court. Moreover, cost was imposed, even after rejection.

3. Learned counsel appearing on behalf of the opposite party opposes the prayer and submits as follows. On numerous occasions the accused/petitioner caused delay. The earlier application under Section 311 of the Code had been allowed.
4. Time schedule is an important factor in a litigation, especially in a proceeding under the Negotiable Instrument Act. However, one also has to ensure that justice is done.
5. Exhibiting the GD entry regarding theft of cheque leaf is a relevant issue that can fairly be raised by the accused. It will be for the Trial Court to test the veracity of such contentions at the appropriate stage. But, shutting out such material only on the ground of further delay being caused would not be proper.
6. In view of the same, the order impugned is set aside and the matter is remanded back to the Trial Court. The learned Trial Court shall allow the petitioner two consecutive days to place the questions as mentioned in the schedule of the application under Section 311 of the Code. The learned Trial Court shall be at liberty to permit any further question to be asked in this regard, however, in the course of the said two dates fixed for

such purpose. The learned Trial Court shall fix dates in the last week of June, 2025. Thereafter, the learned Trial Court shall conclude the proceedings in accordance with law and as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

7. Accordingly, the revisional application being CRR 1602 of 2025 is disposed of.

(Jay Sengupta, J.)