

11.09.2025
D/L.25
Ct. No.446
Saikat

CRR/3738/2025

**SRI BAPI KOLEY @ AHINDRA KOLEY
VS.
SRI DIPANKAR MITRA**

In Re: Application under Sections 528/529 of the Bharatiya
Nagarik Suraksha Sanhita, 2023.

Mr. Uttam Basak, Adv.

...For the Petitioner

1. This revisional application under sections 528/529 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner for expeditious disposal of Complaint Case No.335 of 2020 under section 138 of N.I. Act, 1881, pending before the learned Judicial Magistrate at Barasat, 1st Court, North 24 Parganas.
2. It is submitted by the learned advocate appearing for the petitioner that the complaint was lodged in the year 2020 but unfortunately, since thereafter the case could not be proceeded with on account of adjournment taken on behalf of the accused persons. In order to substantiate his contention, the petitioner has annexed certified copies of the orders passed on various dates.
3. It is also submitted that three cheques issued by the opposite party herein were dishonoured in respect of which three separate cases are pending for the self-same reason. So far as the instant revisional application is concerned, the amount involved is Rs.1 lakh. It is, therefore, submitted that because of long delay in disposal the petitioner is highly prejudiced.

4. Heard the submission. Perused the case record as well as the certified copies of the orders passed by the learned court below on various dates.
5. It is unfortunate that the proceeding is pending since the year 2020 whereas the provision of the said Act is that such proceeding is to be disposed of preferably within a period of six months. It further transpires that the proceeding could not be completed on account of adjournments taken on repeated occasions, which compelled the learned court to issue warrant but such warrant has not been executed on several dates fixed for execution of warrant of arrest.
6. That apart, the accused persons appeared before the learned court and prayed for bail as he was taken into custody but he did not refrain from taking further adjournment in the said case. It further transpires that on several occasions the prayer made by the accused person was allowed. It is undisputed from the conduct of the accused person (opposite party herein) that throughout he tried to drag the proceeding and has been successful in keeping the matter pending for the last five years frustrating the purpose and object of the Act.
7. Hence, the learned court is directed to make all endeavour to dispose of the Complaint Case No.335 of 2020 pending before the court at the earliest without granting unnecessary adjournment to either of the parties and after taking all possible steps to prevent the accused person from taking further adjournment and to dispose of the same preferably within a period of six months from the date of this order in accordance with law, excluding the period of ensuing Puja Vacation.

8. With the aforesaid direction the revisional application stands disposed of.
9. Urgent Photostat copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.
10. Parties are directed to act on the server copies of this order duly uploaded from the official website of this Hon'ble Court.

[Chaitali Chatterjee (Das), J.]