

01.09.2025
M/L.87
Ct. No.446
Saikat

CRR/3759/2025

**SRI PARAS JAIN
VS.
THE STATE OF WEST BENGAL & ORS.**

In Re: Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Mr. Sourav Guha, Adv.
Ms. Soumanti Guha, Adv.

...For the Petitioner

1. This revisional application under section 528 of the Bharatiya Nagarik Suraksha Sanhita has been filed by the petitioner for expeditious disposal of G.R. Case No.1288 of 2022 in connection with Phoolbagan Police Station Case No.93/2022 dated 21st May, 2022, under sections 420/406/120B of IPC pending before the learned Additional Chief Judicial Magistrate at Sealdah.
2. It is submitted by the learned advocate appearing for the petitioners that the complaint was lodged by the *de facto* complainant on 21st May, 2022, against the opposite party Nos.2 to 5 who are Directors of Daga Power System & Engineers Pvt. Ltd. and Shreevim Infra Projects Pvt. Ltd. for cheating of Rs.19,93,488/- and on the basis of the said written complaint a charge-sheet being No.102/2022 dated 30th August, 2022 was filed against the said opposite parties before the learned Additional Chief Judicial Magistrate at Sealdah. The opposite party Nos.2 to 5 were extended the benefit of anticipatory bail imposing certain conditions thereof on 6th August, 2022. On 13th December, 2022, the opposite party No.2 to 5 appeared

before the learned court below and undertook to file Vakalatnama on the next date, that was fixed for appearance.

3. Since thereafter, the matter was adjourned on several occasions and the opposite parties did not appear before the learned court below in spite of service of notice. On 11th April, 2025, the notice was served through the Officer-in-Charge, Phoolbagan Police Station and the absent application was filed in respect of the accused Nos.1 and 4 who are opposite party Nos.2 and 3. However, accused Nos.3 and 4 surrendered before the learned court and the bail bonds were accepted and fixed 8th July, 2025, for appearance of accused persons but on 8th July, 2025, they did not appear without complying with the direction as passed by the learned court below. The present *de facto* complainant filed an application which is still pending for hearing and, therefore, under compelling circumstances has come before this Court for necessary direction.
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. The orders passed by the learned court below on various occasions it apparently manifests certain circumstances where the matter was adjourned and no such adverse order is passed against the absentee opposite parties. It further transpires that the next date is fixed on 3rd September, 2025.
6. It is undisputed that the learned court is heavily burdened with number of cases, despite, the learned trial court should also look into the plight of the litigants and to make all endeavour to proceed with the case as expeditiously as possible.

7. In view of the above, the learned trial court is directed to take up the matter and to make all endeavour to dispose of the same as early as possible without granting unnecessary adjournment to either of the parties, considering the nature of allegation levelled by the *de facto* complainant involving substantial amount.
8. It is made clear that this revisional application is heard in absence of the opposite party without giving any direction to serve the application to the opposite parties and if any allegation levelled against the opposite parties by the present petitioner, the same is not to be treated as admitted.
9. With the aforesaid direction the revisional application stands disposed of.
10. Urgent Photostat copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]