

16.12.2025
Court No.42
Item No. 47

sg/Aloke

CRR 5331 of 2025

**Anil Kumar Agarwal
Vs.
The State of West Bengal & Ors.**

Mr. Pratyush Patwari

For the petitioner

1. The present petition is being filed for expeditious disposal of the CS 12581 of 2023 under Section 138/141 of the Negotiable Instruments Act, 1881 pending before the learned 12th Judicial Magistrate at Calcutta.
2. The learned Counsel for the petitioner submits that while the petitioner/complainant was under examination on 17th June, 2025, the learned Trial Court adjourned the matter to 18th September, 2025, 21st November, 2025 and then 27th June, 2026. The learned Counsel submits that these adjournments have been granted unnecessarily in violation of the statutory provision. The learned Counsel has referred to Section 143(2) of the Negotiable Instruments Act, 1881 and Section 309 of Cr.PC. the learned Counsel submits that an appropriate direction may be issued for expeditious disposal.
3. This Court is conscious of the fact that the numerous complaints under Section 138 of the Negotiable Instruments Act are pending before the learned Trial Court and there is a considerable delay in disposal of such cases. Though the legislature has various statutory provisions for the expeditious disposal but such provisions are not being complied with for various reasons including the docket explosion. The delay in trial of such cases cannot be merely attributed to the Courts. It is a matter of record that the

petitioner/complainant has not moved any application for expeditious trial before the learned Metropolitan Magistrate nor the attention was invited to Section 143 of the N.I. Act or Section 309 Cr.PC. The petitioner instead chose to invoke the jurisdiction of this Court directly.

4. The High Court while sitting in the capacity of superintendence cannot and should not endeavour to run the courts of the learned Judicial Magistrate. Though the learned Judicial Magistrates are expected to dispose of the matter expeditiously but without knowing their pendency or other factors, the order cannot be passed mechanically particularly in cases where on the face of it, the trial is taking place and the fact that no such application was moved before the learned Metropolitan Magistrate.
5. The civil revisional application is disposed of with the direction to the petitioner to move an appropriate application before the learned Metropolitan Magistrate inviting the attention to Section 143 (2) of the Negotiable Instruments Act.
6. The learned Metropolitan Magistrate shall pass an appropriated order in accordance with law and conduct the proceeding in accordance with the statutory provisions of law.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dinesh Kumar Sharma, J.)