

18.11.2025
Item no.167
Court No.3
ss

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL REVISIONAL JURISDICTION**

CRR 521 of 2025

In Re:- An application under Section 438/442 of the Bharatiya
Nagarik Suraksha Sanhita, 2023.

In Re : Chunilal Jamader

... Petitioner.

Mr. Subhasish Misra

Mr. Satyajit Paul

Mr. Rounak Ghosh

.....for the petitioner.

1. This revisional application is preferred challenging the order of the learned District and Sessions Judge, Alipurduar passed in Criminal Revision No.27 of 2025 refusing to admit the said revision in which the order dated 22nd October, 2024 of the learned Judicial Magistrate, 1st Court, Alipurduar passed in C.R. No.21 of 2023 directing the petitioner to pay 20% of the cheque amount as compensation under Section 143A of the Negotiable Instruments Act (*in short*, 'NI Act') was challenged.

2. Learned Advocate for the petitioner submits that since the order of the learned trial court granting 20% of the cheque amount as compensation in terms of Section 143A of the NI Act was not duly communicated to the petitioner, the petitioner was prevented from sufficient cause to file the revisional application

before the learned District and Sessions Judge, Alipurduar within the stipulated period resulting in delay of 202 days. He seeks for setting aside of the order passed by the learned District and Sessions Judge, Alipurduar dismissing the criminal revision application on the ground of it being barred by limitation and thereby condoning the delay and directing the learned District and Sessions Judge, Alipurduar to hear the revision on merits.

3. Perused the order No.6 dated 29th July, 2025 passed by the learned District and Sessions Judge, Alipurduar which is under challenge. It is found that upon considering the proposition laid by the Hon'ble Supreme Court in catena of decisions the learned Sessions Judge observed as follows :-

*“ In the instant case, the Revisionist has merely pleaded that the delay in filing the instant revision is neither willful nor deliberate but due to lack of knowledge and failure to communicate the order to him by his Learned Advocate. It is submitted that the revisionist failed to file the revision application due to the circumstances beyond his control. Apparently, the reason presented by the revisionist for inordinate delay of 202 days is not properly explained. The explanation of delay as advanced by the revisionist is not satisfactory and it cannot be considered as “**sufficient cause**”. I do not find any cogent ground to consider and condone such inordinate delay of 202 days I filing the present revision application by the revisionist.*

*In light of the above discussions and findings, I do not find any legal and factual basis to allow the petition under **Section 5** of the Limitation Act filed by the revisionist. Hence, the petition under **Section 5** of the Limitation Act filed by the revisionist is **rejected**. Thus, I do not hold that the instant revision is barred by limitation and the same is not maintainable.*

*In sequel to the above, the revision is inadmissible. Thus, the instant revision being **Criminal Revision No.27 of 2025** is disposed of being not admitted. Accordingly, the **Criminal revision being No.27 of 2025** stands **dismissed** in limine.”*

4. The learned Sessions Judge, in its order, has observed that the delay of 202 days has not been explained. During the course of hearing, the learned advocate has also failed to apprise this Court of any definite reason save and except miscommunication, which cannot be an acceptable ground to condone the

inordinate delay of 202 days. Thus, it is found that there is no illegality or infirmity in the order passed by the learned District and Sessions Judge, Alipurduar. As such, the revision falls short of merit.

5. Accordingly, the revisional application being **CRR 521 of 2025** stands dismissed. The impugned order No.6 dated 29th July, 2025 passed by the learned District and Sessions Judge, Alipurduar in Criminal Revision No.27 of 2025 is hereby affirmed.

6. No order as to costs.

7. All connected applications, if any, stand disposed of.

8. Interim order, if any, stands vacated.

9. Urgent Photostat certified copy of this order, if applied for, be given to the petitioner on urgent basis upon compliance of all formalities.

(Bivas Pattanayak, J.)