

10.03.2026
Court No.446
Item No. ADSL 4
Avijit Mitra

CRR 768 of 2026

In Re:- An application under sections 528 and 529 of the
Bharatiya Nagarik Suraksha Sanhita, 2023;

And
In Re: Raj Kumar Sethia
...Petitioner

Mr. Pushan Kar,
Mr. Sagnik Majumdar,
Mr. Anirban Dutta,
Ms. Anyapurba Banerji
.... for the petitioner

Mr. Dutta, learned advocate appearing for the petitioner, submits that the present revisional application has been filed with an innocuous prayer for a direction for the expeditious disposal of Complaint Case No. CS 62711 of 2018, which is pending before the Court of the learned 15th Judicial Magistrate at Kolkata.

He submits that following the dishonour of a cheque issued by the opposite party in discharge of a liability, the petitioner was compelled to file a complaint under Section 138 of the Negotiable Instruments Act, 1881 before the Court of the learned Chief Metropolitan Magistrate at Kolkata on 10th July, 2018, which was registered as Complaint Case No. CS 62711 of 2018. Subsequently, the said case was transferred to the Court of the learned 15th Metropolitan Magistrate at Kolkata for trial.

He contends that on as many as eighteen occasions the accused persons have sought consecutive adjournments and, as a

result, there has been no substantial progress in the proceedings for almost four years. Referring to sub-section (3) of Section 143 of the Negotiable Instruments Act, 1881, he submits that there is a legislative mandate that the trial of such a case shall be concluded within six months from the date of filing of the complaint. He accordingly prays for a direction upon the learned court below to dispose of the case expeditiously.

Having heard the learned advocate appearing for the petitioner and upon perusal of the materials on record, I am of the view that no useful purpose would be served by keeping the revisional application pending.

The certified copy of the order sheet indicates that the complaint was filed way back on 10.07.2018 and that the examination of the complainant has already been completed. However, the cross-examination of the complainant has neither commenced nor been concluded over the last four years, as the opposite party has sought adjournments on almost eighteen consecutive occasions. It is needless to mention that there is a legislative mandate engrafted in sub-section (3) of Section 143 of the Negotiable Instruments Act, 1881 requiring that the trial of such cases be concluded within six months from the date of filing of the complaint.

In view of the above, the revisional application is disposed of with a direction upon the Court of the learned 15th Metropolitan Magistrate at Kolkata to make a sincere endeavour to conclude the trial of Complaint Case No. CS 62711 of 2018 as expeditiously as possible, without granting unnecessary adjournments to either of the

parties, preferably within a period of six months from the next date of hearing, i.e., 18.03.2026.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.)