

23.06.2026

Sl. No.32.

D/L.

Mithun.

Ct.No.29.

CRR/5578/2025

Goutam Sarkar

Vs.

Pradip Dutta

Mr. Shayan Sachin Basu

...for the petitioner

Affidavit-of-service filed by the petitioner is taken on record.

Opposite party is not represented.

Being aggrieved by and dissatisfied with the inordinate delay caused in disposal of the proceeding under Section 138 of the Negotiable Instruments Act being A.C. Case No.4204 of 2019 presently pending before learned Judicial Magistrate, 9th Court, Alipore, the petitioner has preferred the instant application.

Learned Counsel for the petitioner submits that the proceeding was initiated seven years back and thereafter on 15.07.2023 prosecution evidence got concluded. Thereafter, on 18.01.2025 the opposite party/accused person made a prayer for verification of the accused person's signature appearing in the cheque. Learned Court below fixed 05.04.2025 for passing order and since then various dates were fixed but the order has not yet been passed. He further submits that the Bank has not disputed the signature of the accused persons but the accused persons in order to drag the proceeding have made the aforesaid frivolous prayer in respect to which Court is giving indulgence by not passing any order in connection with the said application.

Having considered submission made on behalf of the petitioner, I find that the relief prayed by the petitioner is justified and required to be allowed to secure the ends of justice.

In view of above, the instant application being CRR 5578 of 2025 is hereby disposed of with a direction upon the Court below to dispose of the A.C. Case No.4204 of 2019 under Section 138 of the Negotiable Instruments Act within a period of six months from the next date of hearing.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)