

Criminal Revision**PRESENT: The Hon'ble Justice Ashim Kumar Roy****Judgment On: 06-01-2010.****C.R.R. No. 4334 of 2009****Vikram Kumar****versus****The State of West Bengal & Ors.****Point:**

TRIAL: Offence punishable under Negotiable Instruments Act- Whether trial should be concluded within six months from the date of filing of complaint - The Negotiable Instruments Act, 1881-S. 143(3).

Fact: The petitioner filed the instant criminal Revisional Application for direction for expeditious conclusion of trial of a criminal case, filed by him in April, 2006, relating to offences punishable under Section 138/141 of the Negotiable Instruments Act.

Held: According to the mandate of Section 143(3) of the Negotiable Instruments Act, every trial, relating to an offence punishable under the said Act, to be concluded as expeditiously as possible and all endeavors shall be made to conclude such trial within six months from the date of filing of complaint.

Paragraph – 4

For Petitioner : Mr. Murari Mohan Das
Mr. Amiya Kumar Patra

For State : Mr. Sobhendu Sekhar Roy

For O.P. No. 2 & 3 : Mr. Sourav Chatterjee

The Court:

The petitioner who happened to be the complainant of a criminal case relating to offences punishable under Sections 138/141 of the Negotiable Instruments Act involving dishonour of

cheque of Rs. 10 lakhs has now approached this Court for a direction for expeditious conclusion of the trial.

2. Heard Mr. Murari Mohan Das for the petitioner, Mr. Sobhendu Sekhar Roy for the State and Mr. Sourav Chatterjee for the accused/opposite parties.

3. It is submitted before this Court the aforesaid complaint was filed as far back as on April, 2006 and although more than three years and eight months have been elapsed from the date of filing of the complaint till date except the P.W. 1 being examined in part there is no progress in the trial. It is submitted that the delay has been caused due to the dilatory tactics adopted by the accused persons.

On the other hand, Mr. Sourav Chatterjee although has not disputed that trial is pending for a long time but he strenuously controverted the allegations that delay was due to the reason of the accused persons. He submitted on several occasions hearing was adjourned on the prayer of the complainant.

4. Now, having heard the Learned Counsels appearing on behalf of the parties and considering the materials on record, I find the aforesaid trial is pending for more than three years and seven months from the date of making of the complaint, although according to the mandate of Section 143 (3) of the Negotiable Instruments Act, every trial relating to an offence punishable under the said Act to be concluded as expeditiously as possible and all endeavours shall be made to conclude such trial within six months from the date of filing of the complaint. Thus, the trial in question is pending in clear violation of mandate of Section 143 (3) of the Negotiable Instruments Act.

5. In such view of the matter, I dispose of the instant criminal revision directing the Learned Trial Court to conclude the trial within two months from the next date fixed for recording

of evidence. The Learned Magistrate is directed to continue the trial from day to day basis until its conclusion and not to grant any unnecessary adjournment to either of the parties unless the Court finds the same is necessary for ends of justice.

This criminal revision thus stands disposed of.

Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)