

Amarjit Singh.

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Court : Kolkata

Decided On : Jul-19-2011

Judge : Kanchan Chakraborty, J.

Acts : Negotiable Instrument Act - Section 138; Code of Criminal Procedure (CrPC) . - Section 401, 482

Appeal No. : C.R.R.1664 of 2010.

Appellant : Amarjit Singh.

Advocate for Pet/Ap. : Mr. Habibur Rahaman. Adv

Judgement :

1. Mr. Habibur Rahaman, learned Counsel appearing on behalf of the petitioner is present.
2. Perused the petition which has been registered as C.R.R.1664 of 2010. It relates to a proceeding pending in the Court of the learned Judicial Magistrate, 8th Court at Alipore, 24-Paraganas, South under Section 138 of the Negotiable Instrument Act.
3. An innocuous prayer has been made by the petitioner for early disposal of the proceeding initiated by him in the learned Trial Court against the opposite party. The proceeding was initiated under Section 138 of the Negotiable Instrument Act in the year 2004 and unfortunately, not a single witness could be examined by the

learned Trial Court for this reason or that reason. The conduct of the opposite party/accused as it reflected in the order sheets of the proceeding, is blameworthy. No doubt, the matter is required to be disposed of as expeditiously as possible in order to prevent miscarriage of justice.

4. I think that this matter is not required to be heard on merit because the copies of the orders made as annexures to this petition altogether is sufficient enough to indicate how the proceeding has been dragged on.

5. I dispose of this application with the following directions.

a) That the petitioner herein being the complainant of the case should bring witnesses to the learned Trial Court on the next date to be fixed for recording evidence by the learned Trial Court.

b) That the learned Trial Court record evidence of the witness to be examined by the parties on consecutive dates and conclude the trial within a period of one month therefrom.

6. Let a plain copy of this order countersigned by the Assistant Registrar (Court) be given to the learned Counsel appearing for the petitioner so that he can place it before the learned Trial Court and the learned Trial Court is directed to act on such a plain copy of the order in order to avoid delay.

7. The learned Trial Court is also directed not to grant any adjournments to either of the parties, save and except in exceptional cases.

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