

**Criminal Revision**

**PRESENT : The Hon'ble Justice Ashim Kumar Roy**

**Judgment On : 15-02-2010.**

**C.R.R. No. 129 of 2010  
Shree Bishnu Nirman Private Ltd.  
versus  
Subhas Choudhary & Anr.**

**Point:**

**Trial:** Under Section 143 of the Negotiable Instruments Act necessary endeavour has to be made by Court to conclude trial relating to an offence punishable under Section 138 of the Negotiable Instruments Act within six months from the date of filing of complaint - Negotiable Instruments Act – S. 143

**Fact:** The petitioner being a complainant of a proceeding relating to the offence punishable under Section 138 of the Negotiable Instruments Act, filed the instant application for a direction for expeditious conclusion of the trial.

**Held:** In terms of Section 143 of the Negotiable Instruments Act, strictly it should be the endeavour of every Court to conclude the trial relating to an offence punishable under Section 138 of the Negotiable Instruments Act within six months from the date of filing of the complaint. (Paragraph – 2)

For Petitioner : Mr. Bhaskar Sen, Bar-at-Law.  
Mr. P.K. Jhunjhuwala  
Ms. Alpana Chowdhury  
For State : Mr. Ranajit Roy

The Court: 1. The present petitioner is a complainant of a proceeding relating to the offence punishable under Section 138 of the Negotiable Instruments Act, involving three cheques, totaling a sum of Rs. 11,97,000/-. It appears that the case in question was commenced on 20th March, 2008 upon filing of the complaint. However, till date, no plea has been recorded. It further appears by an order passed on 1st of August, 2009, the date for recording of the plea has been fixed on 24th February, 2010, i.e., nearly after seven months. The approach of the Learned Court concerned is definitely against the mandate of law and manifestly illegal.

In terms of Section 143 of the Negotiable Instruments Act, strictly it should be the endeavour of every Court to conclude the trial relating to an

offence punishable under Section 138 of the Negotiable Instruments Act within six months from the date of filing of the complaint. However, in this case, two years is going to be elapsed within a very short time but unfortunately enough, even the plea has not been recorded.

2. Accordingly, the concerned Learned Magistrate is directed to proceed with the case strictly in terms of the provision of Section 143 of the Negotiable Instruments Act, and, he must ensure that trial is concluded preferably within three months from the next date fixed for recording of plea.

This criminal revisional application is, thus, 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.* )