

Cr. Motion 137/2023

Ord No. 13, dated 07.01.2025

Date is fixed for passing order in respect of an application u/s 5 of the Limitation Act.

The instant Criminal Revision has been filed challenging order dated 20/03/2023 passed by the Id. Judicial Magistrate, 2nd Court, Chinsurah whereby the complaint case has been dismissed. In preferring the Revision there has been a delay of 166 days. It is submitted that the matter was sent to Lok Adalat for settlement but in vain. Thereafter, the record as sent back to the Id. Trial Court stating. Stating the grounds of delay the revisionist/ petitioner has submitted that the delay should be condoned as it was unintentional and for ends of justice the prayer of the petitioner should be allowed.

Nothing has been submitted by the O.P..

The Trial Court Record has been perused.

Having heard the submission of the Id. advocate for the petitioner it is found that the petitioner has not intentionally dragged the matter causing hardship to the O.P./accused. Rather, it is a proceeding under the provisions of N.I. Act and if the complaint case is dismissed then it will be the revisionist who will suffer immensely. The grounds of delay appear to be justified and satisfactory.

The dispute should be resolved on the basis of evidence after trial. Therefore, this Court is in favour of condoning the delay for the best interests of justice. Accordingly, the petition u/s 5 of the Limitation Act is allowed. The delay in filing the Revisional Application is condoned.

Fix 18/03/2025 for hearing of the Criminal Revision. Parties are directed to appear.

Dict. & Corrected by me

S.J.

Sessions Judge, Hooghly