

Party Name : CHITTARANJAN DEBBARMA Vs THE STATE OF TRIPURA & ANR

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This petition is directed against the order of the learned Sessions Judge whereby, he has rejected the revision petition only on the ground of the revision petition being delayed.

I am not dismissing the petition on the ground of delay but on the merits of the case.

The fact of the matter is that the complainant filed a petition under Section 138 of the Negotiable Instruments Act as far back as the year 2006. After the evidence of all the witnesses have been recorded the petitioner sought an opportunity to recall the complainant and to produce on records original documents. The learned trial Court rejected that application. The learned Addl. Sessions Judge, West Tripura, Agartala in Criminal Revision No.23(3) of 2007 allowed the said petition on 24.07.2009. Against that order the opposite party Smt. Rajeswari Debbarma filed Criminal Petition No.31 of 2009 in this Court which was rejected by this Court on 25.09.2014.

This Court had given a chance to the petitioner-complainant to lead evidence and this Court had also observed that the trial Court should dispose of the matter by 30th April, 2015.

Thereafter, it was the duty of the petitioner-complainant to have filed his affidavit before the trial Court, appear before the trial Court for cross-examination. He did not do so but kept seeking adjournments.

Therefore, the order whereby, the case has been fixed for framing of charges is absolutely a legal order calling for no interference and hence, the petition is dismissed.