

2025 LiveLaw (SC) 967

IN THE SUPREME COURT OF INDIA
PANKAJ MITHAL; J., PRASANNA B. VARALE; J.
MISCELLANEOUS APPLICATION Diary No. 45777/2024; 26-09-2025
SHIV KUMAR SHAW & ANR. *versus* REKHA SHAW

Condonation of delay - Judicial Discipline - Jurisdiction of Trial Court - Supreme Court noted that Trial Court refrained from exercising the jurisdiction just because the timeline prescribed by the Supreme Court for it to dispose of the proceedings was not followed by the Trial Court - Appropriate remedy available to him was to ask for extension of time but he cannot say that he has lost jurisdiction over the matter as the time allowed has lapsed - Magistrate's order was 'wholly misconceived and without authority' - Noted that the Trial judge's act was uncommon, Supreme Court directed the District Judge concerned to call for an explanation of the Judge concerned and report within a month. [Paras 4-8]

[Arising out of impugned final judgment and order dated 18-01-2024 in CrI.A. No. 2842/2023 passed by the Supreme Court of India]

For Petitioner(s) Mr. Rahul Kaushik, Sr. Adv. Mr. Rajeev Maheshwaranand Roy, AOR Mr. Nilesh Kumar, Adv.

For Respondent(s) Mr. Shambo Nandy, AOR

ORDER

1. Delay condoned.
2. Mr. Shambo Nandy, learned Advocate-on-Record has appeared for the respondent, without issuance of notice.
3. This Court vide order dated 18.01.2024 disposed of the Criminal Appeal No. 2842 of 2023 with one of the directions that the Judicial Magistrate, 4th Court at Alipore, South 24, Parganas may dispose of AC-2053 of 2017 within a period of six weeks.
4. It appears that the learned Judge was not able to dispose of the aforesaid case within the period prescribed by this Court and as such, has passed an order dated 19.03.2024 that since he is unable to dispose of the matter within the stipulated timeframe, he has ceased to have jurisdiction over the matter.
5. We are pained to note the manner in which the order has been passed by the learned Judge. If for any reason, the Judge was not able to dispose of the matter within the prescribed time period fixed by this Court, the appropriate remedy available to him was to ask for extension of time but he cannot say that he has lost jurisdiction over the matter as the time allowed has lapsed.
6. In these circumstances, we direct the District Judge concerned to call for an explanation of the Judge concerned and report to this Court within a month. He has to state as to why and under what circumstances, he has reported that he has ceased to have jurisdiction over the matter and would not proceed any further thereof.
7. Mr. Kaushik prays for and is allowed two weeks' time for filing response and to bring on record the reasons for the delay caused in deciding the aforesaid case.
8. The Registry is directed to send a copy of this order to the relevant Authorities.