HIGH COURT OF TRIPURA

AGARTALA

Crl. A. No.15 of 2025

Smt. Soma Chakraborty,
W/o Sri Nandan Chakraborty, R/o village Birbal Das Para, P.O. Amarpur, P.S. Birganj, Amarpur, Gomati Tripura.

.....Appellant(s);

V E R S U S

1. **Sri Bikash Chandra Saha**,
S/o Sri Sachindra Chandra Saha, R/o Village Near Ram Thakur Asharm, Amarpur Town, P.O. Amarpur, P.S. Birganj, Amarpur, Gomati Tripura.

2. **The State of Tripura,**
(Represented by the Secretary of Home Department, Government of Tripura, Agartala)

.....Respondent(s);

For Apellant(s) : Mr. Hare Krishna Bhowmik, Advocate.
For Respondent(s) : Mr. Sankar Lodh, Advocate.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

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19/01/2026

Heard learned counsel for both sides.

Learned counsel, Mr. Hare Krishna Bhowmik, for the appellant submits that appellant was complainant-cum-victim in the trial Court in a case registered under Section 138 of the NI Act, and in the status of complainant the instant appeal has been filed by her against the order of acquittal passed by the learned Magistrate.

However, according to learned counsel, Mr. Bhowmik, recently a decision has been passed by Hon'ble the Supreme Court of India in case of **M/s Celestium Financial versus A. Gnanasekaran etc.** [**Special Leave Petition (Crl.) Nos. 137-139/2025]** decided on **08.04.2025** which gives a scope to the present appellant to prefer appeal before the learned Sessions Judge under Section 372 of the Code of Criminal Procedure, 1973 against the said order of acquittal wherein leave of the Court will not be required.

On that ground learned counsel prays for withdrawal of this appeal with a liberty to approach the Sessions Judge under Section 372 of the Code of Criminal Procedure, 1973.

Considered the submission.

There is no objection from the other side and, therefore, the appellant is allowed to withdraw from this appeal with liberty to approach the learned Sessions Judge under Section 372 of the Code of Criminal Procedure, 1973 or any other relevant provisions of law.

Learned counsel, Mr. Bhowmik, also submits that the instant appeal was filed within time by the appellant and now if a fresh appeal is going to be filed before the learned Sessions Judge, therefore, there will be some sort of delay which according to the learned counsel, Mr. Bhowmik, is completely unintentional and only for the reason of pendency of this appeal in the instant forum.

The appellant may point out the same before the learned Sessions Judge too.

The appeal is, accordingly, disposed of on being withdrawn.

Pending application(s), if any, also stands disposed of.

JUDGE

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