

02.12.2021

CRA 410 of 2003

Court : 35
Item : PB-10
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

Birendra Nath Patra
Vs.
Sunil Kumar Chowdhuri & Anr.

Mr. Binay Kumar Panda, Advocate
Ms. Puspita Saha, Advocate

..... for the State

None appears for the appellant. None appears for the Respondent No. 1.

It appears that despite several opportunities were given to the parties none of the appellant or the respondent no.1 turned up before the Court. I feel that the appellant and the respondent no. 1 have lost their interest in the appeal.

Mr. Panda, learned Advocate appearing for the respondent no. 2/State of West Bengal submits that the Court may pass necessary order or direction as the Court deems just after going through the case record.

Initially, the appellant filed CRM No. 3643 of 2003 challenging the order of acquittal passed by the learned Additional Chief Judicial Magistrate, Tamluk in Complaint Case No. 1289-C of 2001 under Section 138 of the Negotiable Instruments Act. Thereafter, the CRM has been converted into the instant appeal as CRA 410 of 2003. In the complaint case as above, the appellant alleged that in discharge of his liabilities, the respondent no. 1 issued three cheques of different amount of money. All the cheques stood dishonoured. By the judgment dated April 25, 2003, the

learned Additional Chief Judicial Magistrate, Tamluk has found that the respondent no. 1 Sunil Kumar Chowdhury is not guilty for commission of offence punishable under Section 138 of the Negotiable Instruments Act and accordingly he was acquitted of the charges.

I have minutely read the judgment passed by the learned Trial Judge. I have gone through the evidence on record. I find that the findings recorded by the learned trial Judge in the judgment are based on proper appreciation of evidence. I do not find any illegality in the judgment and the order of acquittal. As such I find no reason or justification to interfere with the impugned judgment and order of acquittal.

Accordingly, the appeal is dismissed. The judgment and the order of acquittal passed by the learned Additional Chief Judicial Magistrate, Tamluk on April 25, 2003 is hereby confirmed.

Send back the relevant case records to the learned Court below along with the copy of this order.

CRA 410 of 2003 is disposed of accordingly.

(Rabindranath Samanta, J.)