

13.05. 2022
item No.25
n.b.
ct. no. 34

CRA 139 of 1987

Sri H. Banerjee
Vs.
Sri Ananda Mahan Coomer

Mr. Saryti Datta
... for the appellant/complainant

The report of the Superintendent of Criminal Section, High Court, Calcutta reflects that the appellant has expired as per the report of the Process Server.

As none appears on behalf of the complainant, Mr. Saryati Datta, learned advocate who is empanelled with the High Court Legal Service Authorities is directed to represent for the complainant. His appointment may be regularized by the concerned authorities.

The present appeal was preferred in respect of an order of acquittal in a case under Section 220(3) of the Companies Act wherein the Learned Metropolitan Magistrate, 8th Court, Calcutta in case no. C/2697 of 1985 by a judgment and order dated September 18, 1986 was pleased to acquit the accused under Section 614-A(2) of the Companies Act 1956.

I find from the judgment under challenge that the Learned Metropolitan Magistrate, 8th Court, Calcutta acquitted the present respondent/accused as in a case under the Companies Act, the

company was not made an accused and only the Director was made an accused.

Having regard to the settled principle of law as set out by the Hon'ble Supreme Court, I am of the opinion that the issue which has been considered by the Learned Trial Court touches root of the case, thus no case for interference is made out.

Accordingly, criminal appeal being CRA 139 of 1987 is dismissed.

All pending connected applications, if any, are consequently disposed of.

The department is directed to send back the lower court records.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)