

11.02.2022

Court No.40
Item No.05

Akd

CRA 19 of 2002

Purulia Cement (P) Ltd.
Vs.
S. Tewary alias Sefali Tewary & Anr.

**Mr. Sabir Ahmed,
Mr. Partha Ghosh.**

... for the respondent no. 1

**Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose.**

... for the State/respondent no. 2.

None appears on behalf of the appellant, Purulia Cement (P) Ltd.

Respondent no. 1 is represented by Mr. Sabir Ahmed and Mr. Partha Ghosh, learned Lawyers.

Respondent no. 2, State of West Bengal, is represented by Mr. N. P. Agarwala and Mr. Pratick Bose, learned Lawyers. Let their appointments be regularized.

From the conduct of the appellant I feel that the appellant is not interested to proceed with the appeal.

The instant appeal has been preferred by the appellant being aggrieved by the judgment and order passed by the learned Sessions Judge, Purulia, in Criminal Appeal No. 35 of 1999 whereby the judgment and order of conviction and sentence passed by the learned Chief Judicial Magistrate, Purulia, in Complaint Case No. 30 of 1997 was set aside.

The case as projected by the appellant may briefly be stated as under:

The respondent no. 1, S. Tewary, in discharge of its liabilities issued a cheque of Rs. 1,50,000/- bearing no. B/25/100 330910 dated 21.02.1997 drawn on State Bank of India, Bankola branch, in favour of the appellant, Purulia Cement (P) Ltd. But, the cheque issued by the respondent/accused stood dishonoured due to insufficient fund.

On consideration of the evidence on record the learned Chief Judicial Magistrate, Purulia, by the judgment and order

dated 29th November, 1999 found the respondent/accused guilty for commission of offence punishable under Section 138 of the Negotiable Instrument Act and she was sentenced to pay a fine of Rs.1,50,000/-; in default, to suffer Simple Imprisonment for one year.

Being aggrieved by the judgment and the order of conviction and sentence passed by the learned Chief Judicial Magistrate the respondent preferred the appeal being Criminal Appeal No. 35 of 1999 before the learned Sessions Judge, Purulila. By the impugned judgment and order the learned Sessions Judge passed the order of acquittal in favour of the respondent.

I have minutely gone through both the judgments passed by the learned Chief Judicial Magistrate and the learned First Appellate Court respectively.

I have considered the materials on record.

Having considered the judgment as impugned and the materials on record, I find no reason to interfere with the judgment passed by the learned First Appellate Court.

In view of the above, the appeal is dismissed.

Let the lower Court records along with a copy of this order be sent down to the learned Court below.

(Rabindranath Samanta, J.)