

07.06. 2022
item No.25
n.b.
ct. no. 34

CRR 1763 of 2022

**Indranil Mondal
Vs.
Birla Corporation Limited.**

Mr. Ranajit Ray,
Ms. Sushmita Ghosh
.....for the Petitioner

Mr. Ray, learned advocate appears on behalf of the petitioner in the present revisional application.

The genesis of the case relates to proceeding under Section 138 of the Negotiable Instruments Act wherein the present petitioner was acquitted by the Trial Court. However, on appeal the Learned Appellate Court was pleased to convert the order of acquittal and convicted the present petitioner and imposed fine of Rs.3,40,000/- with a default clause to suffer simple imprisonment for six months.

Having regard to the quantum of fine so imposed by the Learned Appellate Court, I am of the view that the petitioner has to prefer an appeal before this Court. In view of the aforesaid, the petitioner is granted liberty to withdraw the revisional application and prefer an appeal.

The Department is directed to return the certified copy to the learned advocate on record of the petitioner after the same is replaced by Photostat copy.

An apprehension has been expressed by the petitioner regarding the delay. Accordingly, if application under Section 5 of the Limitation Act is accompanied while preferring the appeal the learned Appellate Court would take into consideration the period for which the revisional application was pending before this Court for consideration of condonation of delay.

Accordingly, CRR 1763 of 2022 is dismissed as withdrawn.

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

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

(Tirthankar Ghosh, J.)