

22.02.2022
S/L No.16
KS

(Via Video Conference)
C.R.R. 4010 of 2011
M/s. Nicco Corporation Limited
Vs.
Popular Wires Pvt. Limited & Anr.

None appears for the petitioner and for opposite parties.

This revisional application is listed today for hearing as “listed motion”.

The revisional application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure has been filed against judgment and order dated 23.09.2011 passed by Learned Additional District and Sessions Judge, 8th Fast Track Court, Bichar Bhawan, Calcutta in Criminal Appeal No.35 of 2011, thereby dismissing the appeal and affirming the order dated 03.12.2010 passed by Learned Metropolitan Magistrate, 11th Court in C/4464 of 2001 under Sections 138/141 of the N.I. Act. Learned Magistrate by his judgment and order has dismissed the complaint case under Section 256 of the Code of Criminal Procedure and passed an order of acquittal.

Till date, no notice has been served upon the opposite party and no affidavit of service has been filed by the petitioner.

Perused the impugned judgment passed by Learned Additional District and Sessions Judge, 8th Fast Track Court, Bichar Bhawan, Kolkata dated 23.09.2011. Learned Court has affirmed the judgment and order passed by the Metropolitan Magistrate on the ground that the Trial Court was justified in dismissing the application when the Power of Attorney was not filed by the petitioner. The appeal appears to have been barred by limitation and the same was dismissed.

Having considered the contention of the petitioner, I find no merit in the revisional application for interfering with the impugned order.

Hence, the revisional application is therefore, dismissed.

(Ananda Kumar Mukherjee, J.)