

13-10-2023
Subha
Item no. 31
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1113 of 2023

Sri Debasish Mallick
-versus-
The State of West Bengal and Anr.

Mr. Sankar Paul
Mr. Imtiaz Ahamad
Mr. Goutam Malik
Ms. Popati Sarkar
.....for the petitioner.

Learned advocate appearing on behalf of the petitioner submits that he was the complainant in a case under Section 138 of the N. I. Act.

Learned Magistrate on conclusion of trial convicted the accused persons. However, on an appeal preferred by the accused he/they were acquitted by the learned Sessions Court/learned Appellate Court.

According to the petitioner since the case is under the provisions of Section 138 of the N. I. Act, a special leave to appeal under Section 378(4) of the Code of Criminal Procedure is to be preferred and the present revisional application has been wrongly filed before this court.

Learned advocate for the petitioner intends to withdraw the present revisional application with liberty to file an application

under Section 378(4) of the Code of Criminal Procedure.

Accordingly, the present revisional application being CRR 1113 is dismissed as not pressed.

Petitioner is granted liberty to file special leave to appeal under the relevant provisions of law.

Department is directed to return the certified copy to the learned advocate on record appearing on behalf of the petitioner on the same being replaced by a Photostat copy.

There may be a delay in preferring the special leave to appeal.

In view of the revisional application pending for a considerable of time, the Hon'ble Court considering the special leave to appeal would leniently consider as because of wrong legal advice, the litigant should not suffer.

With the aforesaid observations, the present revisional application being CRR 1113 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

