

19.07.2023
Serial no.6
Aloke
Ct. No. 30

CRR 1137 of 2019

**Subhra Dasgupta
Vs.
The State of West Bengal & Anr.**

Mr. Santanu Talukdar
... for the petitioner

Mr. Partha Sarathi Das
Mr. Ambu Bindu Chakraborty
Ms. Shanta Sarkar
Mr. Debajyoti De
... for the O.P. No. 2

The present revision is against a judgment and order dated 11th January, 2019 passed by the learned Additional District & Sessions Judge, Fast Track, 4th Court, Alipore, South 24 Parganas in Criminal Appeal No. 183 of 2018 reversing the judgment and order dated 27.07.2018 passed by the learned Judicial Magistrate, 9th Court, Alipore, South 24 Parganas in Case No. AC 4941 of 2015 (T.R. No. 497/2015) sentencing the opposite party no. 2 to undergo a simple imprisonment for a period of 15 days and also directed to pay compensation of Rs.2,50,000/- in a proceeding under Section 138 of the Negotiable Instruments Act.

Administrative notice was issued to the complainant but the complainant has failed to appear and, as such, Mr. Santanu Talukdar had been appointed as legal aid counsel to represent the petitioner in this case.

On hearing the learned legal aid counsel and the learned counsel for the opposite party no. 2, it appears that as the

present case is against a judgment and order of acquittal, the matter was to be filed with a prayer for Special Leave under Section 378(3) and (4) of the Cr.P.C. The present revision is against an order of acquittal from a complaint case and the complainant in spite of this Court's best efforts is not available. As such, an application for Special Leave to Appeal cannot be preferred.

Accordingly, the criminal revision is disposed of as not maintainable.

(Shampa Dutt (Paul), J.)