

12.09.2023
Item No.47
gd/ssd

CRR/3535/2022
M/S. SINGHANIA TEA COMPANY
PRIVATE LIMITED
VS
STATE OF WEST BENGAL AND ANR.

Mr. Sabyasachi Banerjee,
Mr. A. Agarwalla,
Ms. Sreeparna Das,
Mr. B.N. Joshi,
Ms. D. Mukherji
..for the Petitioner

The order under challenge is against the judgment and order of acquittal.

Petitioner happens to be the complainant who has suffered in a proceeding under Section 138 of the Negotiable Instruments Act because of the outcome in the appellate court.

Having considered the main contention I am of the opinion that an application under Special Leave to Appeal be preferred before this court under the provisions of Section 378(4) of the Code of Criminal Procedure. If there is a delay in preferring such application, the connected application under Section 5 of the Limitation Act should be considered leniently in favour of the petitioner as the litigant should not suffer because of the advice so rendered.

With the aforesaid observations, CRR 3535 of 2022 is disposed of.

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

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

(Tirthankar Ghosh, J.)