

16-08-2023
Court No.3
mg/8.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.R.R. 119 of 2021

**SIMPLEX INFRASTRUCTURE LTD.
Vs.
State of West Bengal & Anr.**

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
...for the State

None appears for the petitioner. On previous occasion namely on 14.07.2023 also none appeared for the petitioner. The Order under challenge is one passed by learned District and Sessions Judge, Kalimpong dated 26th March, 2021.

The present petitioner lodged a complaint against respondent no.2. The Trial Court acquitted the accused person namely respondent no.2 herein. Against the Order of acquittal, the present petitioner being a private respondent preferred an appeal in the Court of District and Sessions Judge, Kalimpong. The first Appellate Court upheld the finding of the Trial Court. In terms of

Chapter XXIX of the Code of Criminal Procedure the Sessions Court had no authority to hear the appeal. Therefore, the Order passed by the learned Sessions Judge, the impugned judgment herein, is set aside.

(SUGATO MAJUMDAR, J.)