

16-08-2023
Court No.3
mg/9.

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

C.R.R. 120 of 2021

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

Mr. Aditi Shankar Chakraborty
Mr. U. Lucksom
...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. The Sessions

Judge has no authority to hear the appeal in accordance with the provisions of Chapter XXIX of the Code of Criminal Procedure. The Order of appeal is therefore set aside.

Copy of the application may be given to the State.

(SUGATO MAJUMDAR, J.)

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