

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRMSPL 23 of 2024

Sadhana Kundu
-versus-
The State of West Bengal & Anr.

Mr. Amajit De
Ms. Shakshi Rathi
... For the petitioner/appellant

1. This application has been filed with a prayer for leave to file appeal against the judgment and order of acquittal dated 30th December, 2023 passed by the learned Additional Chief Judicial Magistrate, Durgapur, Paschim Bardhaman, in connection with CR Case No.597 of 2020, wherein the learned Magistrate found the accused guilty of committing offence under Section 138 of the Negotiable Instruments Act on the ground that the petitioner/appellant failed to establish the factum of legally enforceable debt within the meaning of Explanation to Section 138 of the Negotiable Instruments Act.
2. Having heard the learned advocate on behalf of the petitioner/appellant on the ground of appeal and also having gone through the judgment impugned, leave is granted.
3. The petitioner/appellant is at liberty to prefer an appeal within the statutory period.
4. With the aforesaid observation, CRMSPL 23 of 2024 stands disposed of.
5. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)