

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

19.04.2024
Sl.no. 92
Ct. No. 237
P.M.

**CRMSPL 29 OF 2024
M/s. Darkwell Merchandise Private Limited
- Vs -
Paresh Banerjee.**

Mr. Sanjay Banerjee,
Mr. Jaydeep Bhattacharjee
... for the appellant.

1. The instant application with a prayer for granting leave to file appeal against the order dated 27.12.2023 whereby learned Metropolitan Magistrate 20th Court, Calcutta dismissed the complaint under Section 138/141 of the Negotiable Instrument Act, 1881 on account of non-appearance of the complainant.
2. It is submitted on behalf of the appellant that the learned advocate on behalf of the complainant before the Trial Court did not inform the progress of the case to the complainant and that was the reason for non-appearance of the complainant on the date fixed by the learned Magistrate.
3. Leave is granted.
4. Appellant is directed to file appeal within the statutory period.
5. CRMSPL 29 of 2024 stands disposed of.

(Bibhas Ranjan De, J.)