

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRMSPL 37 of 2024

M/s Emichem Pvt. Ltd.
-versus-
M/s Janak Enterprise & Ors.

Mr. Ayan Bhattacharjee
Mrs. Sreeparna Das
Mr. P. Bachawat
... For the petitioner/appellant

1. This special leave petition has been filed with a prayer for leave to file appeal against the judgment and order of acquittal dated 27th February, 2024 passed by the learned Metropolitan Magistrate, 15th Court, Calcutta in connection with CS Case No.10445 of 2021 whereby the learned Judge found the respondents not guilty and acquitted from the charge under Sections 138/141 of the Negotiable Instruments Act, 1881.
2. Learned advocate appearing on behalf of the petitioner/appellant has submitted that the learned Magistrate erred in assuming presumption under Section 139 of the Negotiable Instruments Act in this case.
3. Having heard the learned advocate appearing on behalf of the petitioner/appellant on the ground of appeal and also having gone through the judgment impugned, leave is granted.
4. The petitioner/appellant is at liberty to prefer an appeal within the statutory period.

5. With the aforesaid observation, CRMSPL 37 of 2024 stands disposed of.

6. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)