

41. 19.11
Bd. 2024
Ct. No. 237

C.R.M.S.P.L. 76 of 2024

M/s. Kotak Mahindra Prime Limited

-VS-

Koncepts & Kreatons & Anr.

Mr. Dwaipan Banerjee

Mr. Abir Das

Ms. Mahima Mukherjee *...For the Petitioner.*

This prayer for special leave to appeal has been sought for against the order dated 9.9.2024 by which the trial court dismissed the complaint and thereby acquitted the accused, invoking his power under section 256(1) of the Code of Criminal Procedure.

It is submitted on behalf of the petitioner that the petitioner was all along diligent in conducting the case. However, as his learned counsel was busy in another Court, so he could not take steps on 19th February, 2024. Thereafter, the complainant filed show cause notice on 27th June, 2024. It is submitted that learned court without considering the cause shown by the complainant, has arbitrarily dismissed the complaint on the ground that the complainant was not found on call.

Having considered the facts and circumstances of the case and the submission made on behalf of the petitioner, the Special Leave to prefer appeal against the order of acquittal dated 09.09.2024 is granted. Petitioner will be at liberty to file Memo. of Appeal within the statutory

period.

Liberty is given to the complainant to take back the certified copy of the order impugned on condition of filing authenticated copy of the same.

C.R.M.S.P.L. 76/2024 thus disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)