

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 307 of 2023

M/s. Siliguri Auto Works Pvt. Ltd.
Vs.
Ashok Das

Mr. Sudipta Mazumder,
Mr. Boudhayan Bhattacharyya,
Ms. Stuti Bansal
Mr. Shwetanka Prasad ... for the petitioner.

1. Affidavit of service is filed and the same be taken on record.
2. Mr. Sudipta Mazumder, learned counsel appearing on behalf petitioner is present and in his usual fairness submitted that the revisional application is not maintainable against the order of acquittal passed by the learned Magistrate under Section 138 of the Negotiable Instruments Act.
3. Accordingly he prayed for withdrawal of this revisional application with liberty to file in compliance with provision of Section 378(4) of the Code of Criminal Procedure.
4. I am also in agreement with Mr. Mazumder, that this instant revisional application is not maintainable.

5. In view of provision of Section 378(4) of the Code of Criminal Procedure, petitioner has to obtain the leave before filing appeal.
6. Given facts and circumstances, the instant revisional application stands dismissed with a liberty to the petitioner to file appropriate application under Section 378(4) of the Code of Criminal Procedure.
7. With the aforesaid observation, the revisional application stands disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court

(Bibhas Ranjan De, J.)