

CRA 73 of 2002

In the matter of : **M/s. Rupasree Jewellers**

....Appellant

1. None appears on behalf of the appellant/complainant.
2. It appears from the report submitted by the I.C. Basirhat Police Station, Basirhat Police District North 24 Pargarnas that during pendency of this appeal the respondent/accused had expired. Photocopy of certificate of death of the said respondent/accused was collected by the concerned police station and tagged with the report which indicates that the said respondent/accused was expired on 23.12.2004 i.e. during the pendency of this appeal.
3. As the sole respondent/accused has been expired during the pendency of this appeal, the instant appeal should be disposed of on merit.
4. The instant appeal is preferred challenging the impugned judgment and order of acquittal dated 24.09.2001 passed by the Learned Metropolitan Magistrate, 17th Court, Calcutta in connection with the Case No. C/728/96 under Section 138 of the Negotiable Instruments Act, 1881.
5. I have gone through the said impugned judgment and order passed by the learned Trial Court and I find nothing to interfere with the said judgment and order dated 24.09.2001.
6. Accordingly, the instant appeal be and the same is dismissed on merit affirming the impugned judgment and order passed by the learned Trial Court on 24.09.2001.

7. Thus the appeal being CRA 73 of 2002 is hereby disposed of.
8. Let a copy of this order along with the Trial Court Records be sent down to the Trial Court immediately.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Prasenjit Biswas, J.)