

09.06.2025
Sl. No.9
AMR
Ct.No.655

CRA 472 of 2003

In the matter of : **Kirloskar Oil Engines Limited**

.... Appellant

1. Both the parties are not represented.
2. In pursuance of the direction passed by this Court dated 07.04.2025, a report is submitted by the Commissioner of Police, Kolkata which indicates that during pendency of this appeal, opposite party, Debjyoti Biswas was passed away and as such, notice could not be served upon him. The said report also indicates that the appellant, Kirloskar Oil Engines Limited filed a petition for withdrawing/dropping the proceeding for non-prosecution as per provision of Section 256 of the Code of Criminal Procedure. The photocopy of the order-sheet passed by the learned Magistrate dated 15.09.2011 was collected and tagged with the report.
3. It appears from the said order-sheet that the petition filed by the complainant with a prayer for withdrawing/dropping the proceeding for non-prosecution under Section 256 of Cr.P.C. was allowed by this Court.
4. In view of the above circumstances, the instant appeal becomes meritless.

5. Accordingly, the instant appeal be and the same is dismissed on merit.
6. The impugned order passed by the learned Magistrate dated 04.08.2003 is hereby affirmed.
7. The report submitted by the Commissioner of Police, Kolkata be kept with the record.
8. Let a copy of this order along with TCR be sent down to the learned Trial Court immediately.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties upon complying with all legal formalities.

(Prasenjit Biswas, J.)