

37.
Ct.237
20.01.2025
Bd.

CRMSPL 90 of 2024

Monojit Das
-vs-
Bipad Baran Das

Mr. Debapratim Guha
Mr. Amajit De
Ms. Anchita Sarkarfor the petitioner.

This is an application for grant of Special Leave to appeal against the judgment passed by the Trial Court on 21st September, 2024 in C.R. Case No. 86 of 2022.

By the judgment impugned learned Trial Court has acquitted the accused/opposite party herein in a proceeding under section 138 of the Negotiable Instruments Act. Petitioner herein submits that the trial court has made an erroneous observation that the complainant failed to prove that he had capacity to advance loan in favour of the accused and that the complainant had failed to prove his case beyond reasonable doubt. He further contended that the learned Magistrate failed to appreciate the quantum of money involved in the instant proceeding being Rs. 9,50,000/- and as such mechanically passed the impugned judgment and order of acquittal without properly assessing the evidence adduced and the materials on record.

Having heard learned counsel appearing on behalf of the petitioner and considering the facts and circumstances of the case the prayer for Special Leave to Appeal is granted.

Petitioner will be at liberty to file Memorandum of Appeal within the statutory period.

CRMSPL 90 of 2024 is accordingly, disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)