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2025  
Ct. No. 237

**C.R.M. SPL 92 of 2024**  
**Ambarish Chowbey**  
**Vs.**  
**Subhamoy Bhattacharya & Anr.**

*Mr. Sourav Chatterjee*  
*Ms. Kuheli Gayen*  
*Ms. Adrita Dey*

*...For the Petitioner*

This is an application seeking special leave to prefer appeal against the judgment and order dated 24<sup>th</sup> September, 2024, whereby the learned Trial Court was pleased to acquit the accused person under Section 255(1) of the Cr.P.C.

The petitioner contended that it is very much reflected from the judgment and order of the Trial Court that the accused person voluntarily admitted before the Court about the existence of legally enforceable debts. His further case is that he had already made part payment of Rs. 3,55,000/-, which is also noted in the order passed by the learned Additional Sessions Judge, 6<sup>th</sup> Court, Alipore in Criminal Motion 323 of 2023 vide order dated 4<sup>th</sup> October, 2023 but the Trial Court made a perverse finding that there is no existence of legally enforceable debts with respect to the sum represented in the cheque and that part payments have not been endorsed in the cheque.

Having heard the learned Counsel appearing on behalf of the applicant, leave is granted to the petitioner to present memorandum of appeal subject to law of limitation.

Accordingly, C.R.M.S.P.L. 92 of 2024 is allowed.

**(Dr. Ajoy Kumar Mukherjee, J. )**

