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21.01
2025
Ct. No. 237

C.R.M. (SPL) 94 of 2024
Bhuban Mohan Baishnab
Vs.
State of West Bengal & Anr.

Ms. Sananda Bhattacharya

...For the Petitioner

This is an application wherein the petitioner has sought for granting special leave to appeal against the judgment and order dated 18th October, 2023 passed the learned Additional Sessions Judge, Fast Track Court, Kalyani Nadia, in Criminal Appeal No. 01 of 2016.

Ms. Sananda Bhattacharya, learned Counsel appearing on behalf of petitioner/complainant submits that in a proceeding under Section 138 of the Negotiable Instruments Act, the Trial Court convicted the accused/opposite party No.2 herein and sentenced to suffer rigorous imprisonment for a period of one and half years (18 months) and to pay a fine of Rs. 5,00,000/- in default to suffer imprisonment for a term of two months under Section 255(2) of Cr.P.C. Being aggrieved by that judgment and order of conviction the respondent preferred appeal and learned Appellate Court by the impugned order has acquitted the accused.

Learned Counsel appearing on behalf of the petitioner submits that the complainant has proved the guilt of the opposite party No. 2 herein and the Court below failed to notice that the testimonies of the prosecution witnesses unerringly and univocally points out towards the guilt of the opposite party No. 2. However, the Court below acting on

certain irrelevant considerations has acquitted the opposite party No. 2 which are devoid of legal relevance whatsoever.

Having considered the submissions made on behalf of the applicant, special leave is granted to present memorandum of appeal within the statutory period.

Accordingly, C.R.M. (SPL) 94 of 2024 is allowed.

(Dr. Ajoy Kumar Mukherjee, J.)