

**IN THE HIGH COURT OF SIKKIM
CIVIL JURISDICTION**

Crl. L.P. No. 05 OF 2015

M/S Sikkim State Co-operative bank Ltd.,
Having its head office at Gangtok, Sikkim,
And Gyalshing Branch Office,
At Gyalshing, West Sikkim

.....Appellant

Versus

Shri Madan Lall Sharma,
S/o Shri S.R. Sharma,
Proprietor M/S Anil Traders,
Naya Bazar,
Gyalshing, West Sikkim.

.....Respondent

**BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE S.K. SINHA**

02. 03.07.15

Present: Mr. Jorgay Namka and Ms. Chenga D. Bhutia,
Advocates for the Petitioner.

Ms. Bandana Pradhan and Ms. Sarita Bhusal,
Advocates for the Respondent.

Respondent, Madan Lall Sharma, is also present in
person.

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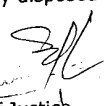
Heard.

The Petitioner/ Complainant is seeking leave to file
an Appeal against the Judgment of acquittal dated
22.04.2015 passed in Criminal Appeal No. 07 of 2014 by
the Sessions Judge, West Sikkim, at Gyalshing.

The Respondent was tried for the offence punishable
under Section 138 of the Negotiable Instruments Act,
1881. He was convicted by the Judicial Magistrate, West
Sikkim, at Gyaling on 30.07.2014. However, on an Appeal
to the Court of Sessions, the Judgment and findings of the
trial Court were set aside and he was acquitted of the
charges framed against him.

Mr. Jorgay Namka, learned counsel for the Petitioner,
takes me to various paragraphs of the impugned Judgment
and submits that the findings recorded by the Appellate
Court are perverse and the relevant materials, which were

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		considered by the Magistrate, were not considered by the Appellate Court in their proper prospective. On due consideration of the submissions made by the learned counsel for the parties and the grounds taken in the Petition, I am satisfied that present is a fit case, in which, leave to Appeal should be granted to the Petitioner. Accordingly, Leave Petition No. 05 of 2015 is allowed and the Petitioner is granted leave to file an Appeal against the Judgment of acquittal dated 22.04.2015 passed in Criminal Appeal No. 07 of 2014. Crl. L.P. No. 05 of 2015 stands finally disposed of.  Chief Justice 03.07.2015

jk Index : Yes / No
Internet : Yes / No