

ITEM NO.1714

COURT NO.9

SECTION II-B

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 34730/2023**

SOUMEN DEY

Petitioner(s)

VERSUS

STATE OF WEST BENGAL &amp; ANR.

Respondent(s)

**(WITH IA No.197692/2023-CONDONATION OF DELAY IN FILING and IA No.197706/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.197695/2023-EXEMPTION FROM SURRENDERING WITHIN TIME and IA No.197698/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Date : 03-10-2023 This petition was called on for hearing today.**

CORAM :

**HON'BLE MR. JUSTICE SANJAY KAROL**  
**[IN CHAMBER]**

**For Petitioner(s)**     **Mr. Mohit Seth, Adv.**  
                                  **Mr. Gaganjyot Singh, Adv.**  
                                  **Mr. Ram Bhadauria, Adv.**  
                                  **Mr. Robin Khokhar, AOR**

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

**IA No.197695/2023-APPLICATION FOR EXEMPTION FROM SURRENDERING**

- 1        Learned counsel for the petitioner submits that even though the Trial Court had acquitted the accused/petitioner herein, the High Court reversed such findings of fact and convicted the accused under the provisions of the Negotiable Instruments Act, 1881,
  
- 2        The petitioner has been directed to pay fine and, in default, suffer imprisonment for a period of two years.

- 3 Learned counsel for the petitioner submits that the petitioner has arguably a good case and that the High Court erred in appreciating the evidence led by the parties. Learned counsel also submits that the provisions of the statute were misconstrued and misapplied.
- 4 In view of the above, the application for exemption from surrendering is allowed.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**