

**08.07.2021**

Sl. No. 06

Srimanta

Ct. No. – 42

D/L

**CRMSPL/1/2021**

**(Via Video Conference)**

**In Re :** An application under Section 378(3) of the Code of Criminal Procedure, 1973 for grant of leave of appeal in terms of the proviso to Section 372 of the Code of Criminal Procedure, 1973.

**In the matter of : Susmita Thakur.**

... petitioner.

Mr. Abdur Rakib, Adv.,  
Mr. Jisan Iqbal Hossain, Adv.

...for the petitioner.

Mr. Phoroze Edulji, Adv.

...for the opposite parties.

This is an application for special leave to appeal.

The petitioner being the *de facto* complainant prays for leave to appeal against the order of acquittal passed in S.T. No. 02(11) of 2017 (C. Spl. Case No. 62 of 2017) under Sections 498A, 420, 406, 377, 323, 506 and 509 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012.

It is pointed out by Mr. Rakib that charges were framed against the accused under Section 498A of the Indian Penal Code and Section 12 of the POCSO Act. The accused was acquitted.

Since the charge was framed under Section 12 of the POCSO Act, in my considered view the appeal ought to have been filed before the Division Bench. In view of such circumstances, the instant application for special leave to appeal be dropped. The appellant is at liberty to take back the certified copy of the impugned Judgement from the

Department after furnishing a Photostat copy of the same in the record.

The application being **CRMSPL No. 1 of 2021** is, thus, **disposed of**.

**(Bibek Chaudhuri, J.)**