

**In the High Court at Calcutta
Criminal Appellate Jurisdiction**

C.R.A. 226 of 2018

In Re.: An application under Section 374(2) of the Code of Criminal Procedure.

In the matter of : Sanatan Barmanappellant

Mr. Ajay Chaubey,
Ms. Shakshi Rathi,
Mr. Amajit De

...for the appellant

Mr. Sandip Chakraborty

...for the State

It is pointed out rightly by learned Counsel for the State at the outset that the appeal is not maintainable before this Court in view of the specific language of Section 374(3)(a) read with sub-section (2) of the Code of Criminal Procedure against an order of conviction passed by a Metropolitan Magistrate.

Accordingly, C.R.A. 226 of 2018 is dismissed as not maintainable with liberty to the appellant to approach the appropriate forum by preferring the appeal on similar grounds as taken in the present appeal.

Leave is granted to the learned Advocate-on-Record of the appellant to take out the certified copy of the impugned order upon supply of a duly attested photocopy thereof.

(Sabyasachi Bhattacharyya, J.)