

03.02.2022
Item No.14
suman
Ct.42

(Via Video Conference)

CRMSPL 1 of 2022

Satish Chandra Mahato
Vs.
State of West Bengal and Ors.

Mr. Subhadip Paramanik
Mr. A. Iqbal
Mr. P. Srivastava
...for the petitioner

Mr. Shiladitya Banerjee
...for the State

The instant application for Special Leave to Appeal has been filed against a judgment and order of acquittal passed in G.R. Case No.161 of 2012 by the learned Judicial Magistrate, 1st Court at Purulia.

Since the case was registered on police report and the accused persons were acquitted, there is no manner of application under Section 378(4) of the Code of Criminal Procedure.

However, the appellant/de facto complainant being the victim of the instant appeal is at liberty to prefer an appeal under the proviso -II, Section 372 of the Code of Criminal Procedure before the learned Sessions Judge at Purulia.

Accordingly, the instant application being CRMSPL 1 of 2022 is dismissed.

The learned advocate for the appellant is at liberty to take back the certified copy of the impugned order so that he may prefer an appeal under the proviso-II Section 372 before the learned Sessions Judge at Purulia.

If it is found while preferring such appeal that the appeal is barred by limitation, the learned Sessions Judge, Purulia is requested to take a pragmatic view while considering the application for condonation of delay that the appellant/petitioner shall proceed with the instant application with due diligence and shall consider whether the aforesaid period of pendency of the appeal shall be condoned or not.

(Bibek Chaudhuri, J.)