

12.04.2022

Sl. No. 07.

Mithun.

Ct.No.42.

IA No:CRAN/1/2022

In

CRA (SB)/33/2022

(Via Video Conference)

Mahadev Lal Shrivastava

Vs.

Kazi Abdus Salem & Anr.

Md,Younush Mondal Adv.

...for the appellant.

Ms. Jagriti Bhattacharya, Adv.

...for the respondent No.1.

It is pointed out by Miss.Jagriti Bhattacharya, learned Advocate for the respondent that the instant appeal was filed erroneously before this Court and the revision will lie against the judgment and order passed by the learned Sessions Judge affirming the judgment and order of conviction and sentence passed by the learned Magistrate.

This Court has considered the provision of Section 401 and concurrence with the submission made by the learned Advocate for the respondent. At this stage it is submitted by the learned Advocate for the appellant that he may be permitted to withdraw the instant appeal with liberty to prefer appropriate application for revision.

In view of such submission, the instant appeal is treated as withdrawn with liberty to the appellant to file appropriate revisional

application before the Court having determination along with an application under Section 5 read with Section 14 of the Limitation Act.

Liberty is given to take back the certified copy of the impugned judgment passed by the Trial Court as well as the First Court of appeal by replacing the same with the photostat copy of the said judgment.

(Bibek Chaudhuri, J.)