

24.3.2022

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CRMSPL 32 of 2020

In Re : An application under Section 378 of the Code of Criminal Procedure.

And

In Re : Basudeb Diger

.... the appellant.

Ms. Sudipa Sen Gupta

.... for the appellant.

In view of the law declared by the Apex Court in **Mallikarjun Kodagali (Dead) represented through Legal Representatives Vs. State of Karnataka & Ors¹**, we are of the opinion that the application for seeking leave to prefer appeal by a victim under provision of Section 378(4) Cr.P.C. is not maintainable.

CRMSPL 32 of 2020 is dismissed as not maintainable.

Certified copy of the judgment and order of acquittal, if annexed to the application, shall be returned to the applicant/appellant upon replacing the same with the photocopy thereof.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

¹ (2019) 2 SCC 752.

