

**20.04.2023**

Item No.3

Ct.No.34

dc.

**C.R.A. (SB) 60 of 2023**

In Re : An Application under Section 374 of the Code of Criminal Procedure, 1973.

And

In Re : **Moazzem Hossain Sk** ... Appellant.

Ms. Anup Mukhopadhyay ... For the Appellant.

The present appeal has been preferred under Section 498A of the Indian Penal Code pursuant to a judgment and order of conviction and sentence passed by learned Additional Chief Judicial Magistrate, Diamond Harbour.

The appellant is granted liberty to withdraw the present appeal and file the same before the learned Sessions Judge having jurisdiction to adjudicate the present appeal.

The appellant is also granted liberty to take back the certified copy of the judgment by incorporating a photostat copy of the same.

The learned Sessions Judge while considering the appeal would take into account the delay which has occasioned because of filing the appeal before a wrong forum.

With the aforesaid observations, CRA (SB) 60 of 2023 is dismissed by treating the same as withdrawn.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**