

26.06.2023  
Ct. No. 34  
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**C.R.R. 2282 of 2023**

In Re : An application under Section 482 of the Code of Criminal Procedure.

And

In Re : Abhijit Bera .....petitioner

Mr. Soumya Nag  
Mr. Aditya Tewari  
..... for the petitioner

Learned Counsel appearing for the petitioner submits that the petitioner was not properly advised. As such order against him under Section 256 of the Code of Criminal Procedure, a revisional application was preferred before the learned Sessions Judge, Purba Medinipur, and the learned sessions court dismissed such revisional application.

The settled proposition of law is that the order under Section 256 of the Code of Criminal Procedure results in acquittal, as such, the complainant should prefer application under Section 378 of the Code of Criminal Procedure.

In view of such submissions the petitioner would be at liberty to file an application under Section 378 of the Code of Criminal Procedure enclosing the findings of the revisional application.

Department is directed to return the certified copy to the Advocate-on-record provided the same is replaced by photostat copy.

With the aforesaid observations the revisional application being CRR 2282 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)**