

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri**

04.12.2023
17
sdas
dismissed

CRMSPL 8 of 2022

In Re:- An application for Special Leave to Appeal under Section 378(4) of the Code of Criminal Procedure.

And

In Re : Sri Kamal Kumar Karmakar @ Kamal Karmakar petitioner

1. Nobody appears.
2. In view of law declared in ***Mallikarjun Kodagali vs. State of Karnataka & Ors.***¹ no leave is required to prefer appeal under the proviso to Section 372(2) of the Code of Criminal Procedure. Accordingly, application for special leave to appeal is dismissed as not maintainable.
3. Certified copy be returned to the petitioner to take necessary steps, if so advised.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

¹ (2019) 2 SCC 752