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CRMSPL 9 of 2024

**Sri Dipankar Chattopadhyay
Vs.
Sri Dibyendu Bikash Saha**

Mr. Krishnendu Bhattacharya,
Mr. Santanu Talikdar,
Mr. Priyankar Ganguly,
Ms. Neelanjana Ghorui,
... for the appellant.

1. This appeal has been filed against the judgment and order of acquittal dated 22.12.2023 passed by the learned Additional Sessions Judge, Fast Track Court No.5, Barasat, North 24 Parganas on ground of observation of learned Appellate Court in last paragraph of page No. 8 of the judgment impugned, wherein learned Judge returned its finding that accused was not examined properly under Section 313 of the Code of Criminal Procedure following the legal provisions of law and for which learned Judge directed to learned Trial Court to grant fair opportunity to the accused to produce the defence witness, if he, express his willingness to adduce defence witness during his examination under Section 313 of the Code of Criminal Procedure. But ultimately learned Judge recorded his final order acquitting the accused and discharged from his bail bond.

2. Having heard learned counsel appearing on behalf of the appellant as well as having gone through the judgment impugned.
3. Leave is granted to the appellant to file appeal within the statutory period.
4. CRMSPL 9 of 2024 stands disposed of.

(Bibhas Ranjan De, J.)