

14.05.2024.
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Court no.237
BP

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRMSPL 14 of 2024
with
CRAN 1 of 2024

Manju Jain Banthia
versus
The State of West Bengal & Anr.

Mr. Subhas Chandra Sarkar
Mr. Siddhartha Sankar Roy
..for the petitioner/appellant.

Mr. Somnath Gangopadhyay
..for the opposite party No.2

Mr. Rana Mukherjee
Mr. Dipankar Mahata
..for the State

1. Learned counsel appearing on behalf of the appellant submits that though he has filed the instant petition for special leave to file an appeal but, in terms of Section 372 as well as 378(4) of the Code of Criminal Procedure, no special leave to appeal is required to be filed.
2. Learned counsel appearing on behalf of the opposite party no.2, in his usual fairness, also submits that to file an appeal by the victim against acquittal, no special leave to file appeal is required in terms of Section 372 of Cr.P.C. in a case initiated under Section 156(3) of the Code of Criminal Procedure.

3. In terms of Section 372 read with Section 378(4) of the Code of Criminal Procedure, I am of the view that the complainant/victim need not file any special leave to appeal against any order of acquittal passed in a case instituted upon police report.
4. Accordingly CRMSPL 14 of 2024 along with CRAN 1 of 2024 stand disposed of.
5. Liberty is given to the petitioner to file appeal under Section 372 of Code of Criminal Procedure before appropriate forum.

(Bibhas Ranjan De, J.)