

19.09.2024

Item No.20

Ct.No.35

dc.

C.R.A. (SB) 112 of 2023

with

CRAN 1 of 2023

In Re : Sima Banerjee

... Appellant.

Mr. Apurba Kumar Datta,

Mr. Kuntal Banerjee

... For the Appellant

Mr. Debasish Roy, Ld. P.P.,

Mr. Rudradipta Nandy,

Ms. Rajnandini Das

... For the State.

Mr. Uday Sankar Chattopadhyay,

Ms. Trisha Rakshit,

Ms. Rajashree Tah

... For the Opposite Party No. 2.

Affidavit-in-opposition filed on behalf of the opposite party no.2 be kept with the record.

The present appeal has been preferred against the judgement and order of acquittal passed by learned Additional Chief Judicial Magistrate, Durgapur, Paschim Bardhaman in connection with G.R. Case No. 255 of 1999 corresponding to Durgapur Police Station Case No. 67 of 1999 dated 04.03.1999. The subject-matter of the case relates to offence under Section 498A of the Indian Penal Code which is a magistrate triable offence. As such, under Section 374(3) of the Code of Criminal Procedure the appropriate forum for preferring such appeal would be before the court of sessions.

Accordingly, the appeal being CRA (SB) 112 of 2023 so preferred before this Court along with the connected application being CRAN 1 of 2023 be dismissed as not pressed.

The appellant is granted liberty to approach the appropriate sessions court.

Department is directed to return the certified copy to the learned advocate-on-record of the appellant after the same is replaced by photostat copy.

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.)