

02.09.2024
Serial no. 19
CT.-35
[G.S.D]

CRA 575 of 2019

In the matter of : Sk. Kashim @ Kasim & Anr.

... .. Appellants

Ms. Sagnika Banerjee

... for the Appellants

Ms. Puja Goswami

... for the KMC

Ms. Sreyashee Biswas

Ms. Tiruparna Ghosh

Mr. Atanu Ghosh

... for the State

Ms. Biswas, learned advocate appearing on behalf of the State, at the inception, resists in respect of the manner in which the appeal was admitted and draws the attention of the court to the impugned order under challenge.

The records of the case reflect that the appeal was preferred before the learned Chief Judge, City Sessions Court at Calcutta being Criminal Appeal No. 36 of 2019. The same was dismissed and the Judgment and Order of conviction and sentence passed by the learned Municipal Magistrate, 2nd Court, Calcutta was affirmed.

Having considered that the subject-matter of challenge before this court by the appellant is under the wrong provisions of law, as against an appeal, as under the Code of Criminal Procedure, no second appeal can be preferred.

Consequently, CRA 575 of 2019 is **dismissed**.

Pending connected application, if any, is also **dismissed.**

Department is directed to send back the LCR both of the learned Appellate Court and the learned Trial Court to the respective Courts within a fortnight from date.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)