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CRA (DB) 369 of 2023

In Re : An appeal under Section 341 of the Code of Criminal Procedure.

And

In Re : Bina Singh

..... appellant

Mr. Deepak Prahladka

Ms. Reshmi Khatun

..... for the appellant

1. Appellant has taken out an appeal under Section 341 of the Code of Criminal Procedure. Appellant was convicted under Section 366A of the Indian Penal Code and Section 3,4,5 and 6 of the Immoral Traffic (Prevention) Act. He has appealed against conviction in CRA(DB) 376 of 2020. During trial appellant had filed application under Section 340 of the Code of Criminal Procedure alleging that the witnesses had lied on oath. Evidence of the witnesses were appreciated by the trial court and found to be convincing. Accordingly, appellant was convicted. Truthfulness or otherwise of the depositions of the witnesses will be gone into in the course of hearing of the appeal against conviction.

2. We have gone through the averments in the petition of appeal. There is nothing in the averments to show that the witnesses had given evidence contradicting prior statements on oath so as to come to a conclusion that they had committed perjury. Hence, no case of entertaining the appeal

against the order rejecting application under Section 340 of the Code of Criminal Procedure is made out. Appeal is accordingly dismissed.

3. Observations made in this order shall not have any binding effect on any collateral proceeding including the appeal against conviction filed by the appellant.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)