

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas

CRMSPL 44 of 2025

**Union of India
Vs.
Manash Dey Munshi
With
CRAN 1 of 2025**

For the Appellant : Mr. Himanshu De, Sr. Adv.,

For the Opposite Party : Mr. Subhamoy Bhattacharya
Mr. Shankar Mukherjee
Mr. Shibam Banerjee

Heard & Judgment on : August 6, 2025

DEBANGSU BASAK, J.:-

1. Affidavits filed in Court be taken on record.
2. We are considering the two applications. One application is for grant of leave to prefer an appeal against a judgment of acquittal and the other is the application for condonation of delay in making and filing the application for grant of leave to prefer an appeal.

3. So far as the application for condonation of delay is concerned, there is no opposition filed by the respondents.
4. In such circumstances, considering the averments made in the application for condonation of delay and for the ends of justice, we deem it appropriate to condone the delay in making and filing the application for grant of leave.
5. **CRAN 1 of 2025 is allowed.**
6. So far as the application seeking leave to prefer an appeal is concerned, learned senior advocate appearing for the appellant submits that, the learned Trial Judge erred in appreciating the evidence led by the prosecution at the trial. He submits that, the case of the prosecution was one of the respondents dealing in narcotics. Appellant filed a complaint before the Jurisdictional Court under Section 9A of the NDPS Act, 1985 punishable under Section 25A of the Act of 1985.
7. Learned advocate appearing for the private respondent submits that, the private respondent possessed requisite licence to manufacture the drugs concerned. He submits that, there is no merit in the application seeking leave to appeal. He submits that the Court should return a finding that the impugned judgment is perverse to permit filing of the appeal.
8. Application before us is one seeking leave to prefer an appeal against a judgment of acquittal. The entire evidence led by the prosecution

and the defence, if any is required to be evaluated to arrive at a finding whether the impugned judgment can be sustained or not. In order to do so, the appeal needs to be heard.

9. The appellant before us filed a complaint for commission of an offence under Section 9A of the NDPS Act, 1985 punishable under Section 25A thereof. Prosecution led evidence at the trial. Such is evidence required to be evaluated in an appeal to arrive at a finding of perversity, if at all there is any.
10. Rival contentions of the parties are required to be considered in the appeal.
11. In such circumstances, it would be appropriate to grant leave to the appellant to prefer the appeal against the impugned judgment of conviction. All points raised by the parties are kept open with regard to the merits of the appeal to be decided at the appeal if the appellant files the same within the time granted by us.
12. Appellant may prefer the appeal from the impugned judgment within 30 days from date.
13. **CRMSPL 44 of 2025** is **disposed of** accordingly.

(Debangsu Basak, J.)

14. I agree.

(Prasenjit Biswas, J.)