

Party Name : KANAK LAL SAHA Vs MD. FIROJ MIAH & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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On the face of serious objection raised by Mr. H. K. Bhowmik, learned counsel appearing on behalf of the respondent-accused person, Ms. P. Dhar, learned counsel appearing for the petitioner has submitted that at the first instance when the appeal was filed, that was filed without the application for special leave for filing appeal under Section 378(4) of the Cr.P.C. and later on, the appeal with application for the special leave could not be filed with immediacy for the intervening puja vacation. She has further submitted that the delay is entirely unintentional and if the delay be not condoned there would be failure of justice. Mr. Bhowmik, learned counsel for the respondent-accused person has categorically submitted that the delay has not been properly explained, even not properly counted. From the report of the Registry, this Court finds that there is a delay of only 111 days instead of what has been mentioned in the petition as 153 days. Therefore, the objection on that count is unsustainable. Further, the financial stringency has been adopted as the additional cause for delay. The ends of justice in the opinion of this Court would only be served if the delay is condoned. Therefore, the objection as raised by Mr. Bhowmik, learned counsel fails.

Mr. A. Ghosh, learned PP appearing for the State has raised no objection against the prayer for condonation.

Having held so, this petition for condonation is allowed and accordingly this petition stands disposed of on condoning the delay as stated.