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12.04.2023
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C.R.R. No.1480 of 2006
With
CRAN 3 of 2019 (Old CRAN 5033 of 2019)
With
CRAN 4 of 2022
With
CRAN 5 of 2022

Tamal Bhalla and others
Versus
The State of West Bengal and another

Mr. Rabindra Kumar Jaiswal.
...for the petitioners.

Mr. Narayan Prasad Agarwal,
Mr. Pratick Bose.
...for the State.

An application has been filed for substitution of the legal representative of the petitioner no.6. The said application has been numbered as CRAN 4 of 2022. Another application has been filed under Section 5 of the Limitation which has been numbered as CRAN 5 of 2022. Another application being CRAN 3 of 2019 (Old CRAN 5033 of 2019) has also been preferred for extension of period so furnishing bond.

Records reflect that the said judgment was delivered on 1st October, 2019. Petitioners were represented when the hearing of the revisional application was progressing before this Court. No issues were raised when the hearing of the application was in progress regarding the death of any petitioner or any other change of circumstances.

Now, the petitioners have come up with an application that they have been unable to furnish bond so directed in the judgment dated 01.10.2019 passed by this Court.

The application for extension was affirmed on 23rd December, 2019. I do not understand as to how the petitioners till date for more than 3 ½ years is avoiding for such payment of fine without any order of this Court. In fact, by the said judgment, an advantage was granted under Section 360 of the Code of Criminal Procedure only for lapse of time and was after finding of guilt in respect of the petitioners. Learned ACJM, Bolpur would exhaust the process of law.

So far as the application under Section 5 of the Limitation Act is concerned, the reasons so assigned do not seem to be just and sufficient for this Court to consider the application for condonation of delay of 425 days.

Accordingly, CRAN 5 of 2022 is dismissed.

Consequently, CRAN 4 of 2022 is also dismissed.

With the aforesaid observations, CRAN 3 of 2019 (Old CRAN 5033 of 2019) is disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)

