

04.01.2021
Sl. No.33

Court No.30
BM

CRA 505 of 2018
With
IA No.: CRAN/1/2018(Old No.CRAN No.3673 of 2018)
With
CRAN /2/2019 (Old No.CRAN No.1654 of 2019)

Swapan Ghosh
Vs.
The State of West Bengal

Mr. Uday Shankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Snigdha Saha ... for the appellant

Ms. Baisali Basu for the State

This is an application for restoration by way of recall of the order dated 13.03.2019 passed in CRAN 3673 of 2018.

A copy of the application is being served to Ms. Baisali Basu who stands for the State.

Now having heard the learned advocates of both the parties and in consideration of the grounds made out in the application when the matter was called on as Item No.98 on 13.03.2019, the learned advocate on record for the petitioner did not reach the Court in time and when item No.105 was called, in the meantime, the said case was called on but the learned advocate on record did not come in time from Court No.16 to Court No.35 which resulted in dismissal of the application of default.

The appellant is unduly in custody in connection with sentence imposed on him which he has challenged in criminal appeal No.505 of 2018 which appeal is yet to be decided on its merit. When the appeal was admitted, liberty was given to the appellant to pray for bail. In the interest of justice, it is desired that the original

application being CRAN 3673 of 2018 be restored to its file and number after recall of the order dated 13.03.2019, as default on the part of the learned advocate on record should not incur any injustice to the litigant. Thus, CRAN /2/2019 (Old No.CRAN No.1654 of 2019) is disposed of.

Let the application for bail be listed in the next week under the heading “Bail in connection with Appeal”.

(Shivakant Prasad, J.)