

14/01/2021
Item No.12(t)DL
AB/S DE

Through Video Conference

M.A.T. 1368 of 2018
With
I. A. CAN 1 of 2019
(Old CAN 7239 of 2019)
+
I. A. CAN 2 of 2019
(Old CAN 9306 of 2019)

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Joyasree Halder
-Vs-
The State of West Bengal & Ors.

Mr. Manojit Bhattacharya ...for the Appellant.

In re : I. A. CAN 2 of 2019
(Old CAN 9306 of 2019)

This is an application for condonation of delay.

We have heard learned Counsel for the appellant.

The application seeking condonation of delay is considered. We are satisfied with the causes shown for the delay in filing the appeal.

The delay in filing the appeal is condoned and the application is disposed of.

In re : M.A.T. 1368 of 2018

We have gone through the order impugned in this appeal. Through that order dated 7.8.2018 the learned Single Judge found that the petitioner, who complained that her friend died an unnatural death,

may make appropriate objections/naraji petition, apparently because the police version was that a closure report was filed by the Jurisdictional Police.

A copy of the report dated 5th August, 2018 submitted to the Criminal Court by the Inspector in charge, Dum Dum Police Station was handed over to the writ petitioner in Court during the proceedings before the learned Single Judge.

Obviously, therefore, the writ petitioner, who is the appellant before us, is entitled to take appropriate steps in terms of the Code of Criminal Procedure on the face of the closure report.

We record the submission of the appellant that the closure report was generated illegally and the person accused is also involved in the accusation levelled by the writ petitioner relating to the death of her friend.

We leave it open for the appellant to point out all factors before the Criminal Court which will consider the time elapsed during the pendency of the writ petition and this appeal as time spent by the petitioner in bona fide prosecution of this matter, for the purpose of computing the period of limitation, if any.

We make these clarifications because the learned Counsel appearing for the petitioner raises an apprehension in that regard.

We do not find any ground to interfere with the order of the learned Single Judge. We leave all other issues open for the appellant to seek any other relief, as may be due to him in appropriate jurisdiction since certain submissions are made also touching the right to possess immovable property.

The appeal and the connected application being CAN 7239 of 2019 are, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)