

D/L 17
March 14,
2022
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C.R.R. No.785 of 2020
(Via Video Conference)

In Re: An application under Article 227 read with Section 401 of the
Code of Criminal Procedure, 1973;

Sri Monoranjan Mondal
Versus
Sri Manik Podder & Anr.

Mr. Somnath Mukherjee.
...for the petitioner.

Affidavit-of-compliance so filed by the petitioner be kept
with the record.

Learned advocate for the petitioner draws the attention of
this Court to the order dated 06.02.2020. Learned appellate court
refused to condone the delay under Section 5 of the Limitation Act.
Prima facie on an assessment of the materials available it reflects
that the appeal was to be preferred by, on or about 13th June, 2019
and instead the same was filed on 5th July, 2019. There is a delay
of about 23 days in preferring the appeal.

Learned sessions court is directed to reconsider the
prayer of the present petitioner being the appellant before the
sessions court after assessing the right of appeal in a case of
conviction and the issue of delay in preferring the appeal.

Having regard to the fact which has been brought to the
notice of this Court as well as the conduct of the petitioner who has
already deposited a sum of Rs.1,25,000/- before learned appellate
court, I am of the opinion, let the application for condonation of
delay before the learned appellate court be heard afresh after

issuing the notice to both the parties. Accordingly, the order dated 6.2.2020 passed by the learned Sessions Judge, Alipore be set aside in Criminal Appeal No.147 of 2019.

With the aforesaid observations, CRR 785 of 2020 is disposed of.

Learned Sessions Judge is directed to dispose of the application under Section 5 of the Limitation Act within a period of 60 days from the date of communication of this order afresh.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)