

04.03.2022

Sl. No. 15

Srimanta

Ct.No.42

IA No.:CRAN/1/2017 (Old No.:CRAN/2912/2017)

in

CRMSPL/53/2017

(Via Video Conference)

In Re : An application for special leave to appeal under Section **378(4)** of the Code of Criminal Procedure, 1973.

In the matter of : **Sri Rajesh Bose @ Rajes Bose**

...appellant/petitioner.

The application for special leave to appeal was filed after the expiry of the period of limitation. Subsequently, an application under Section 5 of the Limitation Act was filed by the petitioner on 10th July, 2017. The matter appeared in the list of a Coordinate Bench on 5th September, 2017. It is found from the said order that the petitioner failed to effect service of notice of the application under Section 5 of the Limitation Act upon the opposite parties. None appears on behalf of the petitioner. I do not find any affidavit-of-service in record which shows service of notice of the application under Section 5 of the Limitation Act upon the opposite parties.

The conduct of the petitioner reasonably suggests that he is not willing to proceed with the case. Therefore, the application under Section 5 of the Limitation Act is **dismissed for non-prosecution**.

Consequently, the application for special leave to appeal is also **dismissed** being barred by limitation.

(Bibek Chaudhuri, J.)