

19.09.2022

Item No.38
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION**

**CRMSPL 53 of 2022
with
CRAN 1 of 2022**

**Shri Kishan Kandoi
versus
Mr. Sanjay Saha**

In Re: An Application under Section 378(4) of the Code of Criminal Procedure, 1973.

Mr. Anirban Mitra,
Mr. Amit Halder,
Mr. Akash Ghosh,
Md. Wasim Akram ... For the Appellant/Applicant.

Re: CRAN 1 of 2022
(an application under Section 5 of the Limitation Act)

Affidavit-of-service filed in Court today be kept on record.

There has been delay of 55 days in preferring the special leave to appeal. The grounds stated in paragraph 4 of the application for condonation of delay are found to be just and sufficient. Accordingly, delay, as prayed for, is condoned. The application being CRAN 1 of 2022 is, thus, allowed.

Re: CRMSPL 53 of 2022

The grievance of the appellant is that the complaint was dismissed for non-appearance of the applicant under Section 256 of the Code of Criminal Procedure. Having regard to the reasons so assigned, I am of the opinion that the

appellant/applicant must be granted an opportunity to prefer memorandum of appeal.

The appellant/applicant is directed to prefer the appeal within a period of 30 days from date.

CRMSPL 53 of 2022 is, thus, allowed.

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

(Tirthankar Ghosh, J.)