

27.01.2022

Sl. No. 31.

Mithun

Ct.No.42.

IA No: CRAN/1/2020 (Old No:CRAN/292/2020)

In

CRA 693 of 2019

(Via Video Conference)

In re: An application under Section 5 of the Limitation Act.

In the matter of : **Kamal Sarkar.**

...Appellant.

Mr. Anjan Bhattacharya, Adv.

...for the Appellant.

Mr. Ranabir Roy Chowdhury Adv.

...for the State.

The instant application under Section 5 of the Limitation Act is taken up for hearing in presence of learned Advocate for the petitioner and State respondent.

It is ascertained from the submission made by the learned Advocate for the petitioner that there was delay of 23 days in preferring the appeal on the ground that the instruction for preferring the appeal practically came from the High Court Legal Services Committee after the expiry of the period of limitation. The explanation for delay is elaborately stated in Paragraph 2 of the application. As the petitioner has been able to explain the delay satisfactorily, the same is condoned.

The memorandum of appeal be taken to record.

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Appeal be admitted.

Call for lower court records.

Issue usual notices.

Realization of fine amount be suspended till the disposal of the appeal.

The appellant is at liberty to file appropriate application for suspension of sentence and bail during pendency of the appeal.

(Bibek Chaudhuri, J.)