

11.03.2022
Sl. No. 2 & 3
Srimanta
Ct.No.42

IA No.:CRAN/2/2020 (Old No.:CRAN/512/2020)
in
CRA/656/2019
Debasish Chakrabarty @ Debasish Chakraborty
-Vs.-
The State of West Bengal
with
IA No.:CRAN/1/2020, CRAN/2/2020)
in
CRA/216/2020
Debashish Chakraborty
-Vs.-
The State of West Bengal
(Via Video Conference)

Mr. Achyut Basu, Adv.

...for the appellant.

Mr. Ranabir Roy Chowdhury, Adv.,
Mr. Sandip Chakraborty, Adv.

...for the State.

It appears from the office report that the present appellant filed two appeals, one being CRA/656/2019 and other being CRA/216/2020 assailing the judgment and order of conviction and sentence.

The Division Bench of this Court came across the similar situation in an unreported decision where the appellant filed two appeals being CRA/450/2012 and CRA/380/2014 (In Re: Sk. Kurban). By an order dated 17th May, 2017 it is held by the Division Bench of this Court as hereunder: -

"Be that as it may, since the subsequent appeals in question are not maintainable in the eye of law, inasmuch as the convict has a right to file criminal appeal against the order of conviction and sentence only once and filing of

multiple appeals against the selfsame judgment and order is not permissible, all the criminal appeals filed subsequently stand dismissed”.

Following the ratio in the aforesaid order passed by the Division Bench of this Court CRA/216/2020 is treated to be dismissed as the said appeal was subsequently filed against the same order of conviction and sentence by the appellant. All connected applications are also dismissed along with the instant appeal.

It is submitted by the Learned Advocate for the appellant that he had no knowledge about the fact of filing of the appeal previously by the same appellant through another Advocate. Had it been in the knowledge of the Learned Advocate, he would not have filed the appeal being CRA/216/2020.

In view of such submission, the Learned Advocate for the appellant is exonerated.

As a matter of abundant caution, it is directed henceforth that the Department while processing the appeal and placing the same before the Bench for admission, they must verify whether or not any appeal against the selfsame judgment and order at the behest of the same appellant is pending or not and shall report accordingly.

Though the similar order was passed by the Division Bench of this Court on 17th May, 2017, the concerned Department has committed the same wrong by receiving and registering CRA/656/2019 by the same appellant against the same order of conviction and sentence passed by the Trial Court.

The Registrar, Administration (L & OM) is directed to conduct an enquiry and submit a report within one week before this Bench fixing the responsibility for whose

dereliction of duty the subsequent appeal was accepted and registered.

This order be brought to the notice of the Hon'ble Chief Justice through the Registrar, Administration (L & OM) and the Registrar General, High Court, Calcutta for His Lordship's information and for further directions, if any on the Administrative Side.

(Bibek Chaudhuri, J.)