

02.01.2023
S/L No.14
KS

C.R.R. 185 of 2021
With
IA No. CRAN 1 of 2021
Md Sabir
-Vs.-
The State of West Bengal & Anr.

Md. Khairul
.....For the Petitioner
Mr. Imran Ali
Mrs. Debjani Sahu
.....For the State
Ms. S. Singh
Mr. A. K. Singh
.....For the O.P. No.2

Learned advocate appearing for the petitioner submits that the criminal appeal was dismissed as there was lack of management of the case, in view of the Pandemic prevailing at the relevant point of time. Learned Appellate Court took exception to the conduct of the present appellant and dismissed appeal at the stage of admission.

Learned advocate also submits that at the relevant period of time the direction so passed for depositing the sum of Rs.20% of the find/compensation amount as awarded by the Learned Trial Court was also not deposited and the same was taken seriously by the Learned Appellate Court in Criminal Appeal No.197 of 2019.

I have considered the submission of the learned advocate appearing for the petitioner before this Court as well as the complainant/opposite party no.2. I find that a complaint was filed in the year 2005. The petitioner intends to get his appeal heard out on merits.

In view of the aforesaid, I direct that the petitioner will deposit a sum of Rs.50,000/- in connection with complaint case no.C-3218 of 2005 before the

Learned Metropolitan Magistrate, 11th Court, Calcutta by 31st January, 2023.

The Learned Chief Judge, City Sessions Court on such deposit being made before the Learned Metropolitan Magistrate, 11th Court, Calcutta would recall his earlier order dated 21.12.2020 and hear out the appeal on merits. It is further directed that the O.P. No.2/complainant would be entitled to withdraw the sum of Rs.50,000/- so deposited with the Learned Metropolitan Magistrate, 11th Court, Calcutta during pendency of the appeal however the same would be subject to the fate of the appeal. The order dated 21.12.2020 passed by the Learned Chief Judge, City Sessions Court, Calcutta is set aside subject to compliance of the conditions as mentioned above.

With the aforesaid observations, C.R.R. 185 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)