

23.08.2023
Serial no.7
Aloke
Ct. No. 30

CRR 475 of 2020
with
IA No. CRAN 1 of 2023
with
IA No. CRAN 2 of 2023

Kabita Sannyashi
Vs.
Sikta Chanda & Anr.

Mr. Ramkrishna Bhattacharyya
Ms. Busra Khatun
... for the petitioner

Mr. Habibur Rhaman
... for the opposite party no. 2

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen
Mr. Partha Paul
... for the State

CRAN 1 of 2023

An application under Section 5 of the Limitation Act is moved in presence of the learned counsels for the opposite parties praying for condonation of delay in filing CRAN 2 of 2023 which is an application for restoration of the revisional application being CRR 475 of 2020 which was dismissed for default by a Coordinate Bench of this Court vide order dated 14.06.2022.

Considering the grounds as made in CRAN 1 of 2023, on hearing both sides and in the interest of justice, the delay is condoned. The application under Section 5 of the Limitation Act being CRAN 1 of 2023 is allowed.

CRAN 1 of 2023 stands disposed of.

CRAN 2 of 2023

CRAN 2 of 2023 is an application for restoration of the revisional application being CRR 475 of 2020.

Considering the grounds as made out in the restoration application being CRAN 2 of 2023 and on hearing both sides, in the interest of justice, CRAN 2 of 2023 stands allowed. The revisional application being CRR 475 of 2023 is restored to its file and number.

CRAN 2 of 2023 stands disposed of.

CRR 475 of 2023 is taken up for hearing in presence of both the parties.

Heard the learned counsels for both sides.

It is submitted by the petitioner and admitted by the opposite party no. 1 that the petitioner has already paid a sum of Rs.2,20,000/- to the complainant and only a sum of Rs.80,000/- is due from the petitioner as balance of the compensation amount.

The learned counsel appearing for the petitioner submits that the petitioner is in custody since 11th August and he is ready and willing to pay the balance amount of Rs.80,000/- to the complainant as balance compensation.

The petitioner has already undergone imprisonment for a period of more than 12 days, which is more than the imprisonment which was directed in default of payment of fine by the trial Court.

Accordingly, the petitioner is directed to pay the balance amount of Rs.80,000/- as compensation to the complainant at once and on payment of the said amount, the

petitioner shall be released from custody as the sentence imposed by the Trial Court, would be served out and complied.

The revisional application being CRR 475 of 2020 is accordingly disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this High Court.

(Shampa Dutt (Paul), J.)