

Court No. 34

13.12.2023

(AD 31)

(S. Banerjee)

CRR 562 of 2022

In re: Pinky Tewwari

... petitioner

Mr. Debabrata Ray
Sk. Anwar Ali
Mr. Soumik Mondal

... for the petitioner

Mr. Sebabrata Chatterjee
Ms. Mousumi Sarkar

... for the State

The principal grievance of the petitioner is that on 16.12.2021 the learned Chief Judge, City Sessions Court, Calcutta was pleased to dismiss the Criminal Appeal No. 29 of 2020 for non-compliance of the order no. 14 dated 29.11.2021 passed by the said Court. The order dated 29.11.2021 relates to filing of requisites which was not done at the instance of the appellant.

Having considered that a judgement and order for conviction is to be appreciated on the merits of the matter, I direct the learned Chief Judge, City Sessions Court, Calcutta to consider the appeal on merits and dispose of the same by issuing notice to the respective parties.

Accordingly, the order dated 16.12.2021, passed in Criminal Appeal No. 29 of 2020, is set aside.

As the petitioner, who is the appellant, is before this Court, I direct the petitioner to present this order before

the learned Chief Judge, City Sessions Court, Calcutta on or before 10th January, 2024.

The petitioner would, after notice being issued, file requisites within a week from the date so directed by the learned Chief Judge, City Sessions Court, Calcutta. The learned Chief Judge, City Sessions Court, Calcutta will thereafter, within a period of three months, dispose of the appeal in the mode and manner in which he deems fit and proper, but the same should be on merits of the case and not for default.

With the aforesaid observation CRR 562 of 2022 is allowed.

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

Leave is granted to the learned advocate on record to correct the cause-title

(Tirthankar Ghosh, J.)