

Item-20. 18-09-2023

MAT 314 of 2023
CAN 1 of 2023
CAN 2 of 2023

^{sg} Ct. 8

The State of West Bengal & Ors.
Versus
Manik Kumar Patra & Ors.

Mr. Sanjib Das, Adv.
...for the State

1. CAN 2 of 2023 is an application for condonation of delay.
There is delay of 264 days in preferring the appeal.
2. Sufficient cause being shown for not being able to file the appeal within the time of limitation. The delay of 264 days in preferring the appeal is condoned. CAN 2 of 2023 is, thus, disposed of.
3. The issues raised in this appeal have been decided conclusively by the Division Bench in MAT No. 825 of 2020 (*Md. Adeel Uz Zaman vs. State of West Bengal & Ors.*) on 11th February, 2021. The learned Single Judge has followed the said decision in *Animesh Choudhury vs. State of West Bengal & Ors.*
4. In view thereof, the appeal and the Stay application stand dismissed. However, there shall be no order as to costs.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)