

D/L2
24.04.2023
Bpg.

CRMSPL 11 of 2023
With
CRAN 1 of 2023

Kazi Abdus Salam
Versus
Mahadev Lal Shrivastava and another

Mr. Shataroop Purokayastha,
Ms. Jagriti Bhattcharyya.
...for the applicant.

Mr. Anirban Tarafdar,
Mr. Daniel Sarkar.
...for the opposite parties.

In Re: CRAN 1 of 2023

Affidavit-of-service so filed be kept with the record.

There is a prayer for condonation of delay of 2090 days in preferring the Special Leave to Appeal.

Learned advocate appearing for the applicant submits that the revisional application was withdrawn on 7th November, 2022 with a leave to prefer memorandum of appeal.

The reasons so assigned in the application under Section 5 of the Limitation Act is that the petitioner took several months to get hold of all old certified copies as the records were transferred and as it was a disposed of matter before the learned trial court.

I find that the certified copy of the order of the magistrate court was applied for on 11th April, 2017 and the same was available on 12th April, 2017. So far as the copy of the sessions court order is concerned, photostat copy has been used before this

Court. As such, there was no scope for this Court to assess as to when the said certified copy was applied or the same was obtained.

In this case, learned Magistrate on an appreciation of the evidence acquitted the accused persons. The said judgment was delivered in the year 2017. More than six years have passed since the judgment was delivered.

Having regard to the manner in which the complainant prays for condonation of delay, I am of the opinion that the same do not satisfy the conditions required for condonation of delay.

Accordingly, CRAN 1 of 2023 is dismissed.

Consequently, the Special Leave to Appeal being CRMSPL11 of 2023 is also dismissed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)