

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 859 of 2023

**Sujit Kumar Das
Vs.
Rima Mahanta Das & Anr.**

**For the petitioner : Mr. Tapas Kumar Ghosh,
Mr. Tanmay Chowdhury.**

Judgement on : 18.05.2023.

Bibek Chaudhuri, J.

It is found from the impugned order dated 26th September, 2022 passed by the learned Additional Sessions Judge, Bolpur, Birbhum that he wrongly calculated the period of limitation and rejected the revisional application under Sections 397/399 of the Code of Criminal Procedure on the ground that the said application is barred by limitation.

The order dated 26th September, 2022 passed by the learned Additional Sessions Judge is palpably illegal and accordingly set aside. The learned Additional Sessions Judge is directed to take up the application under Section 5 of the Limitation Act and properly calculate the period of limitation and thereafter pass a reasoned order in respect of the application under Section 5 of the Limitation Act within one month from the date of communication of this order.

With this order nothing remains in the instant revision and accordingly the instant revision is disposed of.

(Bibek Chaudhuri, J.)

**Srimanta, A.R.(Ct.)
Item No. 08.**