

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRMSPL 30 of 2023
with
IA No. CRAN 1 of 2023

Dipak Sikdar
-versus-
The State of West Bengal & Anr.

Mr. A. Ghosh
Mr. A. Santra
... For the petitioner

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose
... For the State

Mr. Supreem Naskar
Ms. Shefa Mondal
... For the opposite party no.2

In re: CRAN 1 of 2023

Affidavit of service filed in Court today is taken on record.

This application has been filed with a prayer for condonation of delay of 4420 days in filing the Special Leave Petition to file appeal against the order of acquittal passed by the learned Judicial Magistrate, 3rd Court, Alipore, South 24-Parganas under Section 138 of the Negotiable Instrument Act, 1881 on 21st April, 2011.

In paragraphs 7 and 8 of the application for condonation of delay, it is stated that after the order of acquittal was passed in the Complaint Case, being No.7498 of 2007, the petitioner filed an application before the learned Additional Sessions Judge, Fast Track Court and thereafter before the High Court and the High Court subsequently confirmed the order passed by the learned Trial Court.

Thereafter the petitioner applied for certified copy of the impugned judgment on 27th March, 2023 but the certified copy of the said judgment was obtained later on. Thereafter the petitioner remained under the weather for a considerable period of time due to high blood pressure and other physical ailments.

Considering all the facts and delay stated in the application under Section 5 of the Limitation Act, the prayer for condonation of delay is allowed. The delay is condoned.

The application, being CRAN 1 of 2023, stands disposed of.

In re: CRMSPL 30 of 2023

I have carefully perused the judgment of acquittal passed by the learned Judicial Magistrate, 3rd Court, Alipore, South 24-Parganas and leave is granted to prefer an appeal within the statutory period.

With the aforesaid observation, CRMSPL 30 of 2023 stands disposed of.

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

Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)