

D/L87
11.08.2023
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C.R.R.2423 of 2023
With
CRAN 1 of 2023
With
CRAN 2 of 2023

Sk. Riazuddin @ Sk. Riyazuddin @ Sk. Riajuddin and another
Versus
The State of West Bengal and others

Mr. Tanmay Chowdhury
Mr. Somnath Gangopadhyay.
...for the petitioners.

Mr. Madhusudan Sur
Mr. Manoranjan Mahata.
...for the State.

Ms. Sreyashee Biswas
Mr. Anindya Sundar Chatterjee
Mr. Goutam Dinda
Ms. Puja Goswami.
... for the KMC.

In Re: CRAN 1 of 2023.

There has been a delay of 456 days in preferring the revisional application.

Having regard to the fact that the petitioners are in custody, I am inclined to allow the prayer for condonation of delay.

Accordingly, the application for condonation of delay being CRAN 1 of 2023 is allowed.

In Re: CRAN 2 of 2023.

Learned advocate appearing for the petitioners do not intend to proceed with CRAN 2 of 2023.

Accordingly, CRAN 2 of 2023 is dismissed as not pressed.

In Re: CRR 2423 of 2023.

The present petitioners, namely, Sk. Riazuddin @ Sk. Riyazuddin @ Sk. Riajuddin and Sk. Serajuddin @ Shaikh Abdul Sirajuddin @ Sk. Sirajuddin applied before this Court for being released pursuant to their appeal being Criminal Appeal No.12 of 2021 being dismissed by the learned Chief Judge, City Sessions Court on 31.03.2022 for non-compliance to the terms of Section 5 of the Limitation Act.

On 16.06.2023 the petitioners were directed to deposit a sum of Rs.1,00,000/- each with the Kolkata Municipal Corporation and submit a receipt to the learned Chief Judge, City Sessions Court, Calcutta and on accepting the receipt was directed to restore the appeal. The petitioners were also directed to be released on bail on such term as the appellate court deems fit and proper. Accordingly, the petitioners are directed to furnish the said sum of Rs.1,00,000/- each to the Treasury of the Kolkata Municipal Corporation. On receipt of the aforesaid money, a receipt should be issued and the petitioners or their authorized representatives would follow the procedure as laid down above.

The petitioners are in custody since 21st March, 2023.

Having regard to the period already undergone by the petitioners, I am of the view that there is no necessity to keep the revisional application further pending before this Court. It would be in the fitness of circumstances that once the amount of Rs.1,00,000/- each is deposited with the KMC, the application for condonation of delay under Section 5 of the Limitation Act would be

deemed to be allowed.

Learned Chief Judge, City Sessions Court, Calcutta would revive the appeal and hear the appeal being Criminal Appeal No.12 of 2021 on merits and dispose of the same in accordance with law.

With the aforesaid observations, CRR 2423 of 2023 is partly allowed.

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.)