

24.07.2023  
SL No.12  
Court No.8  
(gc)

**MAT 1138 of 2017**  
**CAN 1 of 2017 (Old No: CAN 7163 of 2017)**  
**CAN 2 of 2017 (Old No: CAN 7212 of 2017)**

**Kinkar Halder**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Suprabhat Bhattacharyya,  
...for the Appellant.  
Mr. Pinaki Dhole,  
Mr. Avishek Prasad,  
...for the State.

**Re: CAN 1 of 2017**  
**(Old No: CAN 7163 of 2017)**

Sufficient cause being shown for not being able to present the appeal within the period of limitation, the delay of 255 days in presenting the appeal is hereby condoned.

The appeal is registered if it is otherwise in form.

The application for condonation of delay is allowed and disposed of.

**Re: MAT 1138 of 2017**  
**With**  
**CAN 2 of 2017**  
**(Old No: CAN 7212 of 2017)**

We have heard the learned Counsel for the parties and perused the order under appeal.

The order under appeal is arising out of a contempt proceeding. The learned Single Judge discharged the contempt rule with liberty to the writ petitioner to ventilate his grievance in an

appropriate proceeding. The said order is not an appealable order. In any event the interest of the petitioner was adequately protected by that order.

Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal and the application, accordingly, stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Uday Kumar, J.)**

**(Soumen Sen, J.)**