

16.08.2023

Item No.34

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2965 of 2023

In the matter of : **Nani Bala Halдар & Ors.** ... Petitioners.

Mr. Partha Pratim Das,
Mr. Surajit Basu,
Mr. Samudra Nil Sarkar,
Ms. Barnali Mukherjee,
Mr. Monojit Chakraborty ... For the Petitioners.

The subject-matter of challenge in the present revisional application relates to an order dated 27.02.2023 passed by learned Additional District and Sessions Judge, 2nd Court, Howrah in connection with Criminal Appeal No. 419 of 2014.

Mr. Das, learned advocate appearing for the petitioners, at the inception, draws the attention of the Court to the order dated 27.02.2023 that the Criminal Appeal No. 419 of 2014 was “dismissed for default” on 27.02.2023.

The learned Additional Sessions Judge, 2nd Court, Howrah is directed to hear out the appeal on merits of the case since a sentence has been imposed by the learned trial court. Accordingly, the present petitioners through their learned advocate would appear before the learned appellate court on 08.09.2023. The learned appellate court would issue notice to the affected parties/respondents in the appeal, fix dates for hearing of the appeal.

If required, the learned appellate court in absence of the appellants would impose costs, if the learned advocates discontinue their appearance in continuance of the appeal, then the learned appellate court will engage lawyers from the

Legal Aid Services Authority of the concerned district, but hear out the appeal on merits. All efforts be taken by the learned appellate court so that the appeal is heard out on merits by 31.12.2023.

In view of the observations made above, the order dated 27.02.2023 is set aside.

Accordingly, the revisional application being CRR 2965 of 2023 is allowed.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)