

19.09.2023

Court : 237
Item : 34
Matter : CRMSPL
Status : DO
Bench Id : 265937
Transcriber: NANDY

CRMSPL 49 of 2023

with

CRAN 1 of 2023

Sk. Eklash Ali

Vs.

The State of West Bengal & Ors.

Ms. Devipriya Mitra, Advocate

.....for the Petitioner

Mr. Bidyut Kumar Ray, Advocate

Ms. Rita Dutta, Advocate

.....for the Opposite Party

CRAN 1 of 2023

1. Affidavit of service is filed and taken on record.
2. It is found that notice was served upon all the opposite parties.
3. None appears for the private opposite party. State is represented.
4. The application for condonation of delay of 74 days is taken up for hearing.
5. Learned advocate appearing on behalf of the petitioner has referred to paragraph 9 of the said application wherein it was stated that the petitioner was completely unaware of the judgment and order of acquittal passed by the learned Additional Chief Judicial magistrate, Uluberia in G.R. Case No. 251 of 1999 (New G.R. Case No. 425 of 205) corresponding to Bongaon Police Station Case No. 37 of 1999.
6. Considering the explanation given in paragraph 9, the prayer for condonation of delay is allowed.
7. The application for condonation of delay being **CRAN 1 of 2023** is accordingly **disposed of**.

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8. The Special Leave Petition is filed with a prayer for leave to file appeal challenging the judgment and order of acquittal dated 13.04.2023 passed by the learned Additional Chief Judicial magistrate, Uluberia in G.R. Case No. 251 of 1999 (New G.R. Case No. 425 of 205) arising out of Bongaon Police Station Case No. 37 of 1999
9. Leave is granted.
10. Petitioner is directed to file the appeal within the statutory period of limitation.
11. **CRMSPL 49 of 2023** accordingly stands **disposed of**.

(Bibhas Ranjan De, J)