

08.09.2023

Item No.36
Ct.No.34
dc.

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

C.R.R. 3343 of 2023

In the matter of : **Istak Ahmed & Ors.** ... Petitioners.

Mr. Ranjit Kumar Roy,
Mr. Krishna Deo Das ... For the Petitioners.

Petitioners are aggrieved by the factum that the appeal court is not taking up the appeal along with the application under Section 5 of the Limitation Act. The grievance of the petitioners is that the execution case is proceeding in the meantime.

Records reflect that the next date is fixed on 27.09.2023 for hearing in respect of the application under Section 5 of the Limitation Act. Having considered the grievance of the petitioners that the appeal is not being taken up and is adjourned, I direct the learned appellate court to consider the application under Section 5 of the Limitation Act on the date so fixed and also the issue relating to admission of appeal on the said date or within a fortnight thereafter. The learned appellate court obviously at the stage of admission of appeal will be at liberty to impose condition as it deems fit and proper.

With the aforesaid observations, the revisional application being CRR 3343 of 2023 is disposed of.

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.)