

21.08.2023
Item No.170
Ct.No.34
dc.

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

**C.R.R. 4406 of 2022
with
CRAN 1 of 2023**

In the matter of : **Bimal Kumar Agarwal** ... Petitioner.

Md. Abdur Rakib,
Mrs. Gitika Agarwal ... For the Petitioner.

Mr. Sabyasachi Banerjee,
Mr. Abhinav Rakshit ... For the Opposite Party No.1.

Md. Anwar Hossain,
Ms. Manisha Sharma ... For the State.

Affidavit-of-service filed in Court today be kept on record.

The subject-matter of this revisional application relates to Criminal Appeal No. 162 of 2022 wherein by an order dated 14.11.2022, the learned City Sessions Court, Calcutta was pleased to dismiss the appeal being barred by limitation. There was a delay of 74 days in preferring the appeal.

The learned advocate for the complainant/opposite party no.1 is also present before this Court.

In view of the fact that an appeal is required to be heard out on merits, I direct that the application for Section 5 of the Limitation Act would be allowed subject to the petitioner before this Court depositing a sum of 40% of the fine amount with the learned trial court and submit an affidavit enclosing the receipt to the appellate court. Once such an affidavit along with the connected application is filed, learned appellate court will condone the delay for preferring the issue relating to admission of appeal in connection with

Criminal Appeal No. 162 of 2022. The appeal be admitted thereafter and within a period of four months, the hearing of the appeal be concluded by the learned appellate court.

With the aforesaid observations, the revisional application being CRR 4406 of 2022 along with the connected application be 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.)