

13-12-2023
Subha
Item no. 308
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 4730 of 2023

Sri Nepal Purkait
-versus-
Sri Pratap Halder.

Mr. Angshuman Chakraborty
Mr. S. S. Saha
Mr. Nilandri Saha

.....for the petitioner.

Record reflects that on 19-08-2023, the learned appellate court being the learned Additional Sessions Judge, Diamond Harbour, South 24 Paraganas was pleased to dismiss the appeal for default as interim compensation amount to the tune of 20% as earlier directed in its order dated 05-04-2023 was not complied by the appellant. As an appeal involves a judgement of conviction and sentence the same should definitely be heard out on merits.

Accordingly, I direct that in case the amount of 20% of compensation is deposited by the present petitioner before the learned Judicial Magistrate, 3rd court, Diamond Harbour in connection with Complaint Case No. 131 of 2014 in that event, the learned Additional Sessions Judge, Diamond Harbour will recall its order dated 19-08-2023 and revive the appeal. The learned appellate court would issue notice to the respondent and within a period of three months from the said date dispose of the appeal in accordance with law. The amount of 20% compensation as directed above should be completed by 15th January, 2024. In the alternative, the execution process before the learned Judicial Magistrate, 3rd court, Diamond Harbour in connection with Case No. 131/2014 would continue.

With the aforesaid observations, the revisional application being CRR 4730 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]