

29.04.2024
Item No.16
gd/ssd

MAT/15/2024
IA NO: CAN/1/2024, CAN/2/2024
MUNSHI AHASAN ELAHI (SANTI KAZI)
VS
STATE OF WEST BENGAL AND ORS.

Mr. Subir Banerjee,
Md. Hossain
..for the Appellant.

Mr. Somnath Ganguli,
Ms. Priyamvada Singh
..for the State.

Re: CAN 1 of 2024

1. CAN 1 of 2024 has been filed by the appellant seeking condonation of delay of 297 days in filing the appeal.

2. Learned counsel for the appellant has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing the appeal has been sufficiently explained and the appellant was prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 1 of 2024 is, accordingly, allowed. The delay in filing the appeal is condoned.

Re: MAT 15 of 2024

5. This intra court appeal by the writ petitioner is directed against the order dated

09.02.2023 passed in WPA 19313 of 2022 by which the writ petition was disposed of on the ground that the learned writ court did not find any inaction on the part of the Khanakul Police Station.

6. The case of the appellant is that the charge-sheet has been laid in another complaint not on the complaint on which the appellant sought for action.

7. In any event, the alleged complaint is of the year 2021 and at this juncture, no useful purpose would be served by directing the authorities to look into alleged incident which are taken place in the year 2021.

8. Therefore. we find no grounds to interfere with the order passed by the learned Single Bench.

9. With the above observation, the appeal stands dismissed.

10. It is open to the appellant to lodge a fresh complaint to the respondent/police if still there is a matter in which certain criminal acts have been committed and there is a cognizable offence in such an event the appropriate police authority shall proceed in accordance with law.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)