

19.03.2024
Serial no. 14
[G.S.D]

CRR 512 of 2024

In the matter of : Zainul Abedin

... .. Petitioner

Mr. Apurba Kumar Datta
Ms. Sreemoyee Mukherjee

... for the petitioner

Mr. J. K. Mukhopadhyay
Ms. Marry Datta

... for the respondent

The amount which has been deposited by the petitioner, who is an accused in connection with Case No. C/4/2017, be allowed to be withdrawn by the complainant.

The Id. JM, 7th Court, Asansol may impose conditions while allowing the complainant to withdraw the amount so deposited by the accused.

In view of the order dated 17.10.2023 passed by the Id. Addl. Sessions Judge, 1st Court, Asansol, wherein the Criminal Appeal No. 02 of 2022 was dismissed only on the ground that the interim compensation amount was not deposited, I am of the view that for not depositing of interim compensation, an accused cannot be denied his right of hearing in the appeal.

The Id. Appellate Court is directed to hear out the appeal on the merits of the case.

The petitioner before this court has already deposited the sum of Rs.2 lakh 60 thousand.

The Id. Appellate Court being the Id. Addl. Sessions Judge, 1st Court, Asansol will hear out the criminal appeal no. 2 of 2022 on merits and decide the same in accordance with law.

The Id. Advocate for the petitioner as well the complainant/o.p. are present in court. Both the parties are directed to be present before the Id. Addl. Sessions Judge, 1st Court, Asansol on 8th of April, 2024 and communicate this order to the Id. Sessions Court who would fix consequent dates and dispose of the appeal within three months from the date of communication of this order.

With the aforesaid observations, CRR 512 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)