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24.09.2024
Court No. 25
D.Hira

**WPA 14301 of 2014
With
CAN 1 of 2024
With
CAN 2 of 2024**

**Biswajit Roy
Vs.
State of West Bengal & Ors.**

**Mr. Soumen Kumar Dutta,
Mr. Subham Dutta,
Mr. Sk. Sayan Uddin.
... for the petitioner**

**Mr. K.J. Yusuf, Id. A.G.P.,
Mr. Saurav Chaudhuri.
... for thte State**

The applicant has moved two applications being
CAN 1 of 2024 and CAN 2 of 2024.

CAN 2 of 2024 is for condonation of delay of 95
days in filing CAN 1 of 2024.

CAN 1 of 2024 is for recalling of this Court's
order dated April 29, 2024, by dint of which the Court
dismissed the writ petition filed by the present
applicant being WPA No. 14301 of 2014, for default.

Mr. Soumen Kumar Dutta, learned counsel
appearing for the petitioner has submitted that the
reason as to why the applicant could not be
represented before the Court on the date of dismissal of
the writ petition as mentioned above and for delay in
filing CAN 1 of 2024 has been *bona fide* and beyond
control of the present applicant.

He submits that otherwise the applicant would
be interested in contesting the case and has a fair
possibility to succeed.

It has further been submitted that the applicant is covered by the order of the Hon'ble Supreme Court passed in other writ petitions, involving such petitioners who are similarly circumstanced with the present applicant.

The State is represented.

Mr. K.J. Yusuf, learned Additional Government Pleader for the State has left the matter at the discretion of the Court.

So far as the grounds pleaded in the applications being CAN 1 of 2024 and CAN 2 of 2024 are concerned, the same are found to be sufficient.

Hence, there would not be any impediment for the Court to allow both the applications filed by the said applicant.

Hence, CAN 2 of 2024 is allowed.

The delay of 95 days in filing CAN 1 of 2024 is condoned.

CAN 1 of 2024 is allowed.

The order of this Court dated April 29, 2024 is recalled.

Let the writ petition being WPA No. 14301 of 2014 be restored to its original file and number.

CAN 1 of 2024 and CAN 2 of 2024 be disposed of.

Let the writ petition being WPA No. 14301 of 2014 be listed on 13th November, 2024 under the heading "Motion".

(Rai Chattopadhyay, J.)