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24.09.2024
Court No. 25
D.Hira

**WPA 14315 of 2014
With
CAN 1 of 2024
With
CAN 2 of 2024**

**Binod Kumar Shaw
Vs.
State of West Bengal & Ors.**

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

**Mr. Supriyo Chattopadhyay, Id. A.G.P.,
Mr. Manoj Kumar Mondal.
... for the 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 126 days in filing CAN 1 of 2024.

CAN 1 of 2024 is for recalling of this Court's order dated March 28, 2024, by dint of which the Court dismissed the writ petition filed by the present applicant being WPA No. 14315 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. Supriyo Chattopadhyay, 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 126 days in filing CAN 1 of 2024 is condoned.

CAN 1 of 2024 is allowed.

The order of this Court dated March 28, 2024 is recalled.

Let the writ petition being WPA No. 14315 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. 14315 of 2014 be listed on 13th November, 2024 under the heading "Motion".

(Rai Chattopadhyay, J.)