

24.09.2024

Item No.13
Ct.No.35
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION**

CRMSPL 50 of 2024

with

CRAN 1 of 2024

Shyamal Basuri

versus

The State of West Bengal & Anr.

Mr. Partha Sarathi Bhattacharya,
Mr. Subhas Chandra Atha,
Ms. Payel Paramanik ... For the Applicant.

Mr. Soumik Ganguli,
Ms. Preeti Burman ... For the Opposite Party No.2.

Re: CRAN 1 of 2024

(an application under Section 5 of the Limitation Act)

There has been delay of 2 days in preferring the application under Section 378(4) of the Code of Criminal Procedure. The delay is mainly because of the special leave to appeal initially being preferred before the Division Bench and the same was withdrawn. Thereafter, a fresh application has been filed before the Single Bench. Having considered the reasons so assigned, I am of the view that for technical reasons, there has been delay and for which the applicant should not suffer. Accordingly, delay, as prayed for, is condoned. The application being CRAN 1 of 2024 is, thus, allowed.

Re: CRMSPL 50 of 2024

The applicant has preferred the present application seeking leave to challenge the judgement and order of acquittal so passed by the learned Chief Judicial Magistrate,

Bankura in a proceeding under Section 138 of the Negotiable Instruments Act relating to complaint case No. 336C of 2022.

Having regard to the reasons so assigned by the applicant, leave is granted to prefer Memorandum of Appeal within the statutory period.

CRMSPL 50 of 2024 is, thus, allowed.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)