

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRMSPL 48 of 2023
with
IA No. CRAN 1 of 2023

M/s Kayr Enterprises
-versus-
Smt. Sumitra Sharma

Mr. Apalak Basu
Mr. Barnik Ghosh
... For the applicant/appellant

In re: CRAN 1 of 2023

1. Affidavit of service is filed in Court today showing service of notice upon the opposite party.
2. In spite of service, none appears on behalf of the opposite party.
3. The instant application has been filed with a prayer for condonation of delay of 312 days in filing the Special Leave Petition to file appeal against the order passed by the learned Judicial Magistrate, 6th Court, Sealdah on 30th July, 2022.
4. Heard learned advocate appearing on behalf of the applicant/appellant. Delay of 312 days has been explained in paragraph 17 onwards in the instant application for condonation of delay.
5. Perused the application along with the documents attached herewith, I find the delay of filing the special leave petition is only on account of laches on the part of the learned advocate.
6. Given facts and circumstances, the delay is condoned.

7. The application, being CRAN 1 of 2023, stands disposed of.

In re: CRMSPL 48 of 2023

8. The special leave petition is filed with a prayer for filing appeal against the order passed by the learned Judicial Magistrate, 6th Court, Sealdah in connection with N.I. 91 of 2021 on 30th July, 2022 whereby the learned Magistrate dismissed the case for non-prosecution exercising the power under Section 256(1) of the Code of Criminal Procedure, 1973.

9. I have carefully perused the judgment passed by the learned Judicial Magistrate, 6th Court, Sealdah and leave is granted to prefer an appeal within the statutory period.

10. With the aforesaid observation, CRMSPL 48 of 2023 stands disposed of.

11. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)