

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

01.10.2024
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sdas

**C.R.R. No. 3459 of 2024
with
CRAN 1 of 2024**

In Re : Haradhan Mondalpetitioner

Mr. M. Chatterjee
Mr. S. K. Maity
Mr. A. Sarkar

..... for the petitioner

In re : CRAN 1 of 2024

1. Having perused the averments made in the application for condonation of delay under Section 5 of the Limitation Act the application being CRAN 1 of 2024 is allowed. Delay is condoned.

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2. Learned Counsel for the petitioner has prayed for discharge on the ground that he had gone to Vellore for the treatment of his wife and was not at the place of occurrence when the incident occurred.

3. But petitioner was unable to place on record impeachable materials before the learned Magistrate with regard to date of his return to Kolkata. Accordingly, learned Magistrate held the plea of alibi was not full proof which would render the prosecution case patently absurd.

4. I do not find any illegality in the order impugned.

5. It is open to the petitioner to agitate his defence at the appropriate stage of the proceeding in accordance with law.

6. With this observation, the revisional application is dismissed.

7. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)