

12
12.12.2024
S.D.
Ct. No. 26

**M.A.T. 1963 of 2024
With
CAN 1 of 2024**

**Asit Jana
Vs
The State of West Bengal & Ors.**

Mr. Avilash Tripathi
..for the appellant
Mr. Swpan Kumar Datta, Sr. Adv. & A.G.P.,
Mr. Tapas Kumar Mandal
...for the State
Mr. Debasish Das
..for the respondent nos. 4 to 7

Appeal was filed after obtaining leave to file the same without the certified copy.

Responsibility to file the certified copy obviously is not obviated, by reason of grant of such leave to the appellant. Certified copy nonetheless is required to file after obtaining the same. In the present case, certified copy was obtained and filed subsequently. Department noted a delay of 16 days.

We kept on adjourning the appeal from time to time, at least for three days over a span of two weeks in order to permit the appellant to take requisite steps.

Today, further adjournment is sought for. Ground is that the appellant will not come to the High Court to affirm an application under Section 5 of the Limitation Act, 1963 till next Monday. No reason is ascribed why he will not be in a position to come down till next Monday. Distance between the residence of the appellant and the High Court is about four hours' drive. Adequate public transport is available.

In view of such conduct of the appellant, we deem it appropriate to dismiss the appeal on the ground of limitation itself as it is unaccompanied by an application under Section 5 of the Limitation Act, 1963.

Department will treat M.A.T. 1963 of 2024 along with the connected application as dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)