

29.02.2024

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Ct. No. 33

KAUSHIK

C.R.R. 4028 of 2013

In Re. Pradip Das

... petitioner

Ms. Mitul Chakraborty

Mr. Ranjan Kali

Ms. Anindita Maity

... for the petitioner

Mr. Satadru Lahiri

Mr. R. K. Khanna

Mr. Aman Khemka

... for the Opposite Party No. 2

The order dated 23rd December, 2013 passed by this Court had observed as follows:

“Pending hearing of this application, the operation of the execution of sentence shall remain stayed on condition that within a week from this date the petitioner shall deposit a sum of Rs.1,70,000/- in the trial court.

It goes without saying if there is any default in complying with the court’s order as regards to the deposit of the compensation amount as aforesaid the interim order shall stand automatically vacated without any further reference to this court and the court below shall have the liberty to proceed with the matter in accordance with law to execute the sentence.”

The learned advocate for the petitioner, who is representing the petitioner, is not aware of the order dated 23rd December, 2013. According to his version, since he has been appointed on 8th February, 2024, the petitioner has not complied with the order dated 23rd December, 2013.

The learned advocate for the opposite party submitted to have filed an application before the Trial Court which was not entertained by the trial Court stating that the Lower Court record was lying with the department of the High Court. No steps were taken by the Trial Court to intimate such an application to the department for non-compliance of the Court's order. The Trial Court is to execute the sentence immediately. The Lower Court records be sent down immediately.

With the aforesaid observations, the revisional application stands disposed of.

(Ananya Bandyopadhyay, J.)