

December 20, 2024
26 ARDR

Calcutta High Court
In The Circuit Bench at Jalpaiguri

CRR 505 of 2024

Pijush Biswas
Vs.
The State of West Bengal

Adv. Subhasish Misra,
Adv. Satyajit Paul,

...for the petitioner.

Adv. Aditi Shankar Chakraborty,
Adv. Abhijit Sarkar,

...for the State.

The petitioner has assailed the order passed by the learned Sessions Judge, Alipurduar on 24th September, 2024 in Criminal Appeal no. 32 of 2024 whereby the learned Judge has dismissed the appeal for non-prosecution due to failure of the petitioner to appear before the learned Court.

It appears from the order impugned that on the date fixed for admission hearing, the petitioner was found absent without steps for which the appeal was dismissed for non-prosecution. Dismissal of a criminal appeal for non-prosecution is unknown to law.

In view of the above, the order impugned dated 24th September, 2024 passed in Criminal Appeal no. 32 of 2024 by the learned Sessions Judge, Alipurduar is quashed/set aside.

The learned Sessions Judge is directed to deal with the appeal on merits and pass a reasoned order upon affording reasonable opportunity of hearing to the parties, in accordance with law.

CRR 505 of 2024 is disposed of.

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

(Suvra Ghosh, J.)