

13.05.2025

6.
Ct. No. 26
S.D.

C.R.M.S.P.L. 3 of 2025
With
CRAN 1 of 2025

In re: An application under Section 419 (4)) of the B.N.S.S.,
2023.

In the matter of: Smt. Nakubala Mondal
...Appellant

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Saibal Mondal
Mr. Joy Chakraborty
Mr. Souvik Ganguly
....For the appellant

Mr. Abhijit Ganguly
Mr. Shiladitya Banerjee
...for the respondent nos. 2 to 7
Mr. Sujan Chatterjee
...for the State

Affidavit filed on behalf of the learned advocate for the
appellant be taken on record.

Our attention was drawn at the behest of the private
respondents that the appellant expired prior to the date of
affirmation of the application.

On such basis, we passed an order dated April 25, 2025
which was subsequently corrected on April 30, 2025 due to
typographical error. It transpires from the materials available
on record that the appellant, Smt. Nakubala Mondal expired on
July 25, 2024.

The application for leave to appeal along with the connected application are both affirmed on January 7, 2025 on which date, the appellant was dead.

The proceedings were, therefore filed in the name of a dead person.

We called upon the learned advocate for the appellant to explain his conduct in view of his signature appearing in the vokalatnama filed in the name of a dead person. The vokalatnama is dated January 7, 2025.

None of the appearing respondents opposes the prayer for acceptance of the affidavit of the learned advocate.

Explanation offered by the learned advocate appearing for the appellant as recorded in his affidavit dated May 7, 2025 is accepted, more particularly in view of his tender years in the profession. No doubt he will be cautious in the future.

Affidavit dated May 7, 2025 of the learned advocate contains a complaint to the police dated May 6, 2025.

Police will register such complaint dated May 6, 2025 as a First Information Report, if not already done.

In such circumstances, C.R.M.S.P.L. 3 of 2025 and the connected application being CRAN 1 of 2025 are dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

