

12.12.2025

SL. 3
Court No. 25
Sourav

C.R.A.N. 1 of 2025
With
C.R.A.N. 2 of 2025
In
C.R.R. 2872 of 1996

In the matter of: **Sri Parimal Biswas & Ors.**

... petitioners.

Mr. Subhash Ch. Bose

... for the petitioners.

1. The petitioners have filed the present application being CRAN 2 of 2025 praying for condoning the delay of 2499 days for preparing an application being CRAN 1 of 2025 for recalling of the order dated 19.11.2018 passed by this Court in CRR 2872 of 1996 wherein the criminal revisional application was dismissed for default.
2. The learned Trial Court i.e., Assistant Sessions Judge (Additional Sessions Court, Hooghly) had convicted the petitioners namely, Parimal Biswas, Paritosh Biswas, Ganesh Biswas and Kangali Biswas for the offence under Section 447 IPC and sentenced to suffer Rigorous Imprisonment for three months each and also to pay fine of Rs. 500/- in default to further R.I. for three months. The petitioner, Kangali Biswas, was further convicted for the offence under Section 323 IPC and sentenced to suffer R.I. for one year and also to pay fine of Rs. 1,000/- in default to further R.I. for six months.
3. Being aggrieved and dissatisfied with the judgment passed by the learned Assistant Sessions Judge dated May 15, 1995, the petitioners have preferred an appeal before the learned Judge, Special Court (E.C. Act) – cum – Additional District &

Sessions Judge, Hooghly being Criminal Appeal No. 39 of 1995. The learned Appellate Court by setting aside the judgment of conviction, remanded the matter back to the learned Assistant Sessions Judge, Hooghly with the direction for delivery of a fresh judgment after considering the materials on record. The Appellate Court has also given liberty to the Assistant Sessions Judge to examine further witnesses, if necessary.

4. Being aggrieved and dissatisfied with the judgment passed by the learned Appellate Court in Criminal Appeal No. 39 of 1995 dated July 6, 1996, the petitioners have preferred the present revisional application under Section 482 of the Code of Criminal Procedure.
5. This Court finds that the criminal revision was filed in the year 1996 and since then, the matter was pending. The matter was taken up for hearing on November 19, 2018. On that day, none appears on behalf of either of the parties (either the petitioners or the State). Accordingly, this Court has dismissed the revisional application for default. Thereafter, the petitioners have not taken any steps for recalling of the order dated November 19, 2018. Now after the period of more than seven years, the petitioners have filed the present application for recalling of the order dated 19.11.2018.
6. Learned counsel appearing for the petitioners submits that the petitioners were not aware with regard to the dismissal of the revisional application. The petitioners only came to know about the dismissal of the revisional application when the

petitioners have received a notice from the learned Trial Court for appearing before the learned Trial Court on December 18, 2024. Immediately, after receipt of the summons, the petitioners contacted with the learned advocate and the learned advocate has filed the present application for recalling of the order along with an application for condoning the delay.

7. This Court finds that the case was initiated against the petitioners in the year 1992 and the learned Trial Judge has disposed of the said case in the year 1995 by convicting the petitioners for the offence under Sections 447 and 323 IPC. Subsequently, the Appellate Court has disposed of the matter in the year 1996. Being aggrieved with the Appellate Court's order, the petitioners have preferred the present revisional application.
8. This Court finds that when the petitioners have filed the present revisional application, the petitioners also got an order of stay of the order of Appellate Court. The petitioners were enjoying the interim order and never made any endeavour to press the present revisional application. When this Court has dismissed the revisional application, now after the period of seven years, the petitioners have preferred the present application for recalling of the order along with an application for condoning the delay.
9. This Court does not find any sufficient reason for condoning the delay of 2499 days for preferring an application for recalling of the order. Accordingly, **CRAN 2 of 2025** is dismissed. Consequently, **CRAN 1 of 2025** is also dismissed.

10. The learned Trial Court is directed to expedite the trial and to dispose of the matter as early as possible.

(Krishna Rao, J.)