

05.02.2024
Serial no. 639
[G.S.D]

CRR 1087 of 2022

With
CRAN 1 of 2022

In the matter of : Md. Selim Sk

... .. Petitioner

Mr. M. A. Sk
Mr. S. Sarkar
Ms. S. Ghorai

... for the petitioner

Mr. Biswajit Tiwari

... for the O.P.

CRAN 1 of 2022

CRAN 1 of 2022 is taken up for condoning the delay of three years three months and eleven days.

I have taken into account the period of delay, the issue relating to liberty and the bonafideness shown by the present petitioner by depositing the cheque amount and, as such, I am of the view that the revisional application is required to be heard out on merits.

Accordingly, the reasons so assigned in the application under section 5 of the Limitation Act along with the conduct of the present petitioner being justified, I am of the opinion that the prayer for condonation of delay should be allowed.

Accordingly, CRAN 1 of 2022 is allowed.

CRR 1087 of 2022

Ld. Advocate for the petitioner has submitted a Supplementary Affidavit, wherefrom it reflects that a sum of Rs. One lakh twenty five thousand has been deposited in connection with Case No. 281C/2013.

The complainant/o.p. would be at liberty to take out an appropriate application for withdrawal of the same before the trial court subject to the outcome of the present revisional application.

Let the Lower Court Records of both the Appellate Court and the trial court be tagged along with the records of the present revisional application.

Department is directed to take necessary steps.

Ld. CJM, Malda is directed not to issue any process in regard to execution case in connection with Case No. 281C of 2013.

The petitioner would continue on the same bail and bond as earlier furnished before the Id. Appellate Court/trial court.

Let the matter appear under the heading 'Contested Application' in the monthly list of June, 2024.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)