

CRR 2221 of 2025

**Sunil Ratnakar Gutte & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. S. R. Venunath

... .. for the petitioner

Mr. Sachit Talukdar

... .. for the respondent no.2

1. Learned advocate for the petitioner appears virtually.
2. Learned advocate for the Opposite Party No.2 is represented by Mr. Talukdar.
3. At the threshold of hearing, the Learned Advocate for the Opposite Party No. 2 raised a critical preliminary objection, contending that the present application suffers from fundamental and incurable procedural defects, specifically citing the want of a proper affidavit and affirmation. It was submitted that such a grave lapse renders the application incompetent and mandates its immediate dismissal.
4. The Learned Advocate for the Petitioner, acknowledging the procedural deficiency, prayed for the indulgence of the Court to grant leave to file the application afresh in compliance with the requisite norms.
5. This Court, having heard the submissions and examined the nature of the procedural flaw,

finds that the omission of a valid affidavit and affirmation constitutes a material defect that goes to the root of the application's competency and is deemed incurable within the framework of the present proceedings.

6. Accordingly, the instant application is dismissed on the ground of incurable procedural defects.
7. Notwithstanding the dismissal, the Learned Advocate for the Petitioner is hereby granted liberty to file a fresh application on the same subject matter, ensuring strict adherence to the proper form and legal requirements including due affirmation.
8. There shall be no order as to costs.
9. The interim order, if any, granted previously in this matter stands vacated forthwith.
10. Any connected application shall stand disposed of in light of this Order.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)