

28.08.2025
Item No.7
Court No. 26
CHC

CRA (DB) 206 of 2025
IA NO: CRAN/1/2025

In Re:- An appeal under Section 372 of the Code of Criminal Procedure/Section 413 Bharatiya Nagarik Suraksha Sanhita, 2023 against the order of acquittal.

And

In the matter of : Madan Mohan Ghosh
..... appellant

Mr. Subhabrata Chowdhury, Advocate
Ms. Tripti Pandey, Advocate
...for the appellant

Ms. Faria Hossain, Ld. A.P.P.
Mr. Aritra Bhattacharya, Advocate
...for the State

Mr. Palash Mukherjee, Advocate
Mr. M. Mukherjee, Advocate
...for the opposite party no.2

1. Affidavit filed in Court be taken on record.
2. CRAN/1/2025 is an application for condonation of delay.
3. Appellant seeks to prefer an appeal against the judgment of acquittal dated September 7, 2009 passed by the Learned Additional Sessions Judge, Arambagh, Hooghly in S.T. Case No. 45 of 2002 arising out of S.C Case No. 24 of 2002 in connection with Goghat Police Station Case No. 29 of 1999 dated May 3, 1999 under Sections 498A/304/304B of the Indian Penal Code, 1860.
4. Learned advocate appearing for the appellant submits that, there is an arguable case so far as the appellant is concerned. Evidence put-forth by the prosecution at the trial was not considered appropriately by the learned Trial Judge.

5. Learned advocate appearing for the appellant submits that, initially, State preferred an appeal. Appeal of the State was subsequently dismissed as not pressed. Thereafter, on legal advice, appellant filed application seeking leave to prefer an appeal which was registered as CRMSPL 55 of 2024.
6. Learned advocate appearing for the appellant submits that, CRMSPL 55 of 2024 and the condonation application under Section 5 of the Limitation Act, 1963 being CRAN/1/2024 was disposed of by order dated August 13, 2024.
7. State and the private respondent are represented.
8. We find from the record that, the appellant before us approached the High Court seeking leave to prefer an appeal against the judgment of acquittal. Such application was registered as CRMSPL 55 of 2024. Such application being barred by limitation, an application for condonation of delay was filed being CRAN/1/2024.
9. Coordinate Bench noted that, there was a delay of 5440 days in filing the application seeking leave to appeal. Coordinate Bench found the explanation to be unsatisfactory and therefore not inclined to accept the application for condonation of delay.
10. In such circumstances, coordinate Bench by the order dated August 13, 2024 was pleased to dismissed the application of condonation of delay.
11. Delay of 5440 days in making of the application for leave to appeal being CRMSPL 55 of 2024 not being accepted, we are not in a position to accept the explanation for condonation of

delay made by the appellant herein. In fact, in addition to 5440 days delay as noticed by the coordinate Bench on August 13, 2024 there is a further delay of 10 months which again remains unexplained.

12. In such circumstances, CRAN/1/2025 is dismissed.
13. Department will treat the CRA (DB) 206 of 2025 as disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)