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20.03.2026
Ct. No. 32
Jayanta

CRR/585/2023

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IA NO: CRAN/2/2026,

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CRAN/3/2026

RAJAT MANCHANDA

VS

ANAND KUMAR SHAW AND ANOTHER

Adv. Arun Kr. Maiti (Mohanty)
Adv. Kaveri Sengupta Mohanty
Adv. R. R. Mohanty
Adv. Subhajit Chatterjee
Adv. Devendra Kr. Ojha
Adv. P. Banerjee
Adv. Puspita Chowdhury
Adv. R. Majumdar
Adv. Aniruddha Das

.... For the Petitioner.

Adv. P. K. Pandey
Adv. Niraj Kumar
Adv. Baibhav Pandey

.... For the Opposite Party No. 1.

CRR/585/2023

1. This is an application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 filed by the accused/petitioner seeking quashing/setting aside of the order impugned dated 3rd January, 2023 passed by the learned Additional District Judge, Fast Track 3rd Court at Howrah in Criminal Appeal No. 13/2020 arising out of Complaint Case No. 1387C/2015.
2. By the order impugned, the learned Appellate Court was pleased to dismiss the appeal only on the ground that the Appellant did not comply with the direction of the learned

Sessions Judge, Howrah, by not depositing the fine amount within the stipulated period, and by declining the admission of the appeal.

3. The learned Counsel appearing on behalf of the petitioner submits that he could not deposit the compensation amount within a stipulated period due to the pandemic situation. However, that should not be the ground for dismissing the appeal. The appeal should have been heard and decided on merits. However, the same has not been done by the First Appellate Court. Therefore, the judgment passed by the Appellate Court in Criminal Appeal No. 13/2020 is liable to be set aside and remanded back to the learned Court below for disposal of the Criminal Appeal on merits.
4. It is further submitted that 25% of the compensation amounting to the tune of Rs. 1,75,000/- has already been deposited by the appellant before the Trial Court in pursuance of the order passed by this Court. Receipt of the same has already been filed and it is on record.
5. On the other hand, the learned Counsel appearing on behalf of the Opposite Party also candidly submits that the matter may be remanded to the Appellate Court and direction may be passed to dispose of the appeal on merits as expeditiously as possible by fixing a particular period.
6. Having heard the submission on both sides and perusal of the record, it reveals the Appellate Court did not decide the appeal on merits. It ought to have been heard and decided on merits.

7. Therefore, the order passed by the First Appellate Court suffers from perversity and error. Therefore, the same is hereby set aside.
8. The instant case is remanded back to the Appellate Court with a request to decide the same on merits as expeditiously as possible without granting any unnecessary adjournment to the parties, unless unavoidable circumstances.
9. Consequently, the Criminal Revisional Application being **CRR No. 585 of 2023** stands disposed of with the above observation.
10. Let a copy of this order be communicated to the learned Trial Court.

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11. Since the main application is disposed of, the connected applications being **CRAN 2 of 2026** and **CRAN 3 of 2026** are also, thus, disposed of.

(Ajay Kumar Gupta, J.)