

24.12.2025
Court No.34
Item.2
sg

CRR 1939 of 2019
With
I.A. No. CRAN 5 of 2025, CRAN 6 of 2025

In the matter of: **Kiran Roy**

...Petitioner.

Mr. Ayan Bhattacharjee, Sr.Adv.
Mr. Arpit Choudhury
Mr. Suman Majumder
Mr. M.Roy

...for the petitioner.

Mr. Dipayan Dan
Mr. Sourav Kharwar

...for private opposite party.

Re. : CRAN 5 of 2025, CRAN 6 of 2025

1. Affidavit of serviced filed by the petitioner be kept on record.
2. This is an application recalling of the order dated 5th December, 2024 whereby this criminal revisional application was dismissed for default. Learned senior advocate representing the petitioner submits there are series of orders which reflects there was communication gap between the present petitioner and the learned advocate previously represented, and the petitioner is aged about 84 years and therefore this order of dismissal was passed when order of conviction was pending against him. It is further submitted that this revisional application filed for setting aside the order of affirmation passed by the learned Appellate Court in respect of order of conviction passed by the learned Magistrate.

3. Learned advocate representing the opposite party raises vehement objection and submits at the time of admission of this revisional application a conditional order was passed whereby the petitioner was directed to pay the entire amount of Rs. 39.7 lakhs (Rupees Thirty Nine lakhs). However, nothing has been paid as of now not even petitioner bothered to appear before the Court.

4. Having heard the learned advocates. On careful perusal of materials-on-record, it transpire that on 5th December, 2024, when nobody represented the petitioner, it was observed by the Coordinate Bench of this Court, there is sufficient reason to believe the petitioner is no longer interested to proceed with the present application. This reflects on previous occasion also he did not turn up before the Court and since long petitioner did not appear before this Court, at the same time this Court cannot be oblivious of the fact that the petitioner is aged about 84 years and is suffering from various ailments as placed before this Court and considering the engagement of new set of advocate there is sufficient reason for restoration.

5. Be that as it may, since revisional application was allowed with a condition which has not been complied. This petition can be allowed subject to the condition that the petitioner must comply with the order as passed by this Court within the stipulated time framed by this Court.

6. In view of the above, this application stands allowed. Revisional application is restored to its original file and number.

7. Petitioner is granted liberty to deposit the entire amount of Rs. 39.7 lakhs (Rupees Thirty Nine lakhs) within a period of 15 (fifteen) days from the date before the learned Court as directed by the Coordinate Bench.

8. Accordingly, application being CRAN 6 of 2025 is disposed of.

9. Matter to be listed on 19th January, 2026 under the heading 'For orders'.

10. It is pertinent to mention since the revisional application is revived the order of interim stay of suspension of sentence stands also revived till the next date. It is made clear in the event of failure to deposit the amount within such period the order of stay shall stand automatically vacated without reference to this Court.

11. Opposite party is also granted liberty to withdraw 50% of the said amount, if so paid with usual undertakings.

12. Petitioner is directed to deposit such amount either by way of cash or demand draft.

13. Parties are to act on the server copy of this order downloaded from the official website of the Calcutta High Court.

(Chaitali Chatterjee (Das), J.)