

17.06.2026
SL No.101
Court No.12
(gc)

**MAT 2110 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Sobha Singh
Vs.
The State of West Bengal & Ors.**

Mr. A. Khan,
Mr. P. Roy

...for the Appellant.

Ms. Susmita Saha Dutta, A.G.P.,
Ms. Tanusree Ghosh

...for the State.

Mr. Mrityunjoy Goswami,
Mr. Parikshit Goswami

...for the Respondent Nos.3 to 7.

1. We are not inclined to condone the delay in filing the appeal. First of all, we do not find any illegality in the order passed by His Lordship as the entire order was passed on factual assessment of the situation. However, we find that His Lordship had allowed the writ petitioner/appellant to pray for modification of the original order, while disposing of a contempt application.
2. According to the appellant, the delay of 400 days has occurred, in view of the pendency of the contempt application.
3. The appeal was filed on the understanding that His Lordship has become *functus officio*. This argument of the appellant is misconceived. His

Lordship granted leave to the appellant for modification of His own order.

4. Thus, we are not in a position to modify His Lordship's order by entertaining the appeal.
5. As we are of the view that the remedy lies before the Court which had passed the original order, no useful purpose will be served in condoning the delay of 400 days.
6. Accordingly, the application being CAN 1 of 2025 is dismissed.
7. Hence, there is no appeal in the eye of law.
8. However, there shall be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)