

In the Court of the Sessions Judge, Birbhum at Suri

Cr. Appeal No. 34/2020

Present:- Shri Subhrajit Basu
Sessions Judge
Birbhum

06
14/01/2021

Ld. Advocate for the appellant and the respondent No. 2 are present.

The instant appeal is fixed today for hearing the petition u/s 5 of the Limitation Act.

It appears from the record that at the time of filing the instant appeal, a stay petition along with a petition u/s 5 of the Limitation Act was filed praying for condonation of delay to file the appeal.

Now, the petition u/s 5 of the Limitation Act is taken up for hearing.

Ld. Advocate for the appellant submits that the appeal has been preferred against the impugned order dated 17.02.2020, passed by the Ld. Judicial Magistrate, 2nd Court, Suri, Birbhum in C. Case No. 525/2019.

Ld. Advocate for the appellant also submits that there is 96 days delay in filing the instant appeal and he prays for allowing the petition for condonation of delay.

Perused the memo of appeal and the application u/s 5 of the Limitation Act. Seen the prayer of petition for condonation of delay and the record.

It appears from the certified copy of judgment that the judgment was passed on 17.02.2020, and the application for certified copy was filed on 18.02.2020. The copy was ready for delivery on 06.03.2020 and the appeal has been filed on 13.07.2020.

It appears from the petition that due to lockdown for Covid-19 pandemic, Ld. Advocate for the appellant was not in a position to file the instant appeal within the stipulated time and for that some delay was caused and to that effect explanation is given in the application.

In such circumstances, the prayer for condonation of delay is considered and allowed. Delay is condoned.

Let the appeal be admitted.

Call for L.C.R.

Contd.....

Contd..Order No. 06
14.01.2021

Now, the petition for stay of all further proceedings in connection with the judgment of conviction and order of sentence dated 17.02.2020 passed by the Ld. Judicial Magistrate, 2nd Court, Suri, Birbhum in C. Case No. 525/2019 is taken up for hearing.

Heard Ld. Advocate for the parties.

Perused the petition for stay and materials on record.

It appears from the certified copy of judgment impugned dated 17.02.2020 passed by Ld. Judicial Magistrate, 2nd Court, Suri, Birbhum in C. Case No. 525/2019 that an order of conviction was passed against the appellant Anowar Mirja for the offence punishable under section 138 of N.I. Act sentencing him to pay compensation of Rs. 71,000/- to the complainant, .i.d. S.I for six months.

Seen the stay petition.

In the facts and circumstances of the case, the stay petition is allowed subject to deposit Rs. 30,000/- by the appellant to the Judicial Cashier within 30 days from the passing of this order, in default, the instant stay order shall stand vacated.

Appellant is directed to deposit Rs. 30,000/- out of the compensation amount of Rs.71,000/- to the Judicial Cashier, Suri, Birbhum within the time specified above and thereafter, the complainant/authorized representative of the complainant will be at liberty to withdraw the same following the rules.

Let the all proceedings in respect of the order of conviction passed on 17.02.2020 in C. Case No. C. Case No. 525/2019 be stayed till disposal of the appeal.

Let a copy of this order be sent to Ld. Judicial Magistrate, 2nd Court, Suri, Birbhum for information.

To **15.02.2021** for L.C.R. and hearing.

Dictated & corrected by me.
Sd/- Subhrajit Basu
Sessions Judge,
Birbhum

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