

In the Court of the Sessions Judge, Birbhum at Suri

Criminal Appeal – 16 of 2024
CNR No. WBBB01-001758-2024

Present:- Smt. Arti Sharma Roy (WB00149)
Sessions Judge, Birbhum.

04
12.08.2024

Today is fixed for filing written objection.

Ld. Advocate for the appellant is present by filing hazira.

Ld. Advocate for the respondent files a petition praying for time to file W/O on the ground stated therein.

None moves.

Despite repeated calls, none appears on behalf of the respondent.

No written objection is filed on behalf of the respondent.

Accordingly, the prayer for time is considered but rejected.

It is now 01:00pm.

It is assumed that the respondent is not interested to contest the limitation petition by raising / filing any objection.

In such circumstances, the petition under Section 5 of Limitation Act is taken up for ex parte hearing.

Perused the memo of appeal and the certified copy of the Order dated 08.12.2023 passed by Ld. Judicial Magistrate, 3rd Court, Suri, Birbhum in Misc. Case no. 62 of 2022.

It appears from the certified copy of the Order that same was passed on 08.12.2023, application for certified copy was filed on 14.05.2024. The copy was ready for delivery on 18.05.2024 and the instant appeal has been filed on 20.05.2024. Considering the submission of the Ld. Advocate the limitation petition is allowed. Accordingly, the delay of 130 days is condoned.

Hence, the Criminal Appeal is admitted.

Call for L.C.R.

The appellant is directed to file requisites accordingly.

To 13.09.2024 for taking fresh steps by the appellant and LCR.

Dictated & corrected by me.

Sessions Judge, Birbhum.

Sessions Judge, Birbhum.
(JO Code-WB00149)