

IN THE COURT OF CHIEF JUDGE, CITY SESSIONS COURT, CALCUTTA.

Criminal Appeal No.79 of 2025

CNR – WBCS01-000453-2025

Present: Sri Sukumar Ray,

Chief Judge,

City Sessions Court, Calcutta,

JO Code No. WB00590

Order No.05 dated 24.09.2025

Today is slated for hearing of the petition u/s. 5 of the Limitation Act ex-parte against the respondent no.2.

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

Ld. Advocate for the respondent no.1/State is present.

Now the case is taken up hearing of the petition u/s. 5 of the Limitation Act ex-parte against the respondent no.2.

The petition is filed u/s. 5 of the Limitation Act praying for condonation of delay of 64 days.

Heard both sides. Perused the petition for condonation of delay and the Memo of appeal.

Considered.

On bare reading of the prayer for condonation of delay it appears to me that the appellant was suffering from irritable bowel syndrome with abdominal pain and his treatment is going on by the doctor since long and he has to attend the doctor's chamber from time to time for his examination and for medical examination report and as such the appellant could not file the instant appeal within the stipulated period and the ground for condonation of delay seems to be satisfactory and so the delay is condoned. The appeal is admitted **subject to the condition that the appellant shall deposit 20% of the compensation amount of Rs. 1,79,960/- before the Ld. Trial Court within 20.11.2025.**

Fixing **20.11.2025** for filing receipt of showing deposit of 20% of the compensation amount before the Ld. Trial Court and also for hearing of the instant appeal.

Call for TCR in connection with **Complaint Case No. CS/22139/2020.**

Both the parties are directed to come ready on the next date fixed.

Ld. Advocate for the appellant filed an application for staying the operation of the impugned order and judgement dated 24.03.2025 passed by the Ld. 10<sup>th</sup> Judicial Magistrate, Calcutta in connection with Complaint Case No. CS-22139/2020.

Heard. Considered.

On careful perusal of the judgement and order dated 24.03.2025 passed by the Ld. Trial Court it appears to me that the appellant has an arguable case. Therefore, if the operation of the impugned judgement and order dated 24.03.2025 is not stayed, then the appellant will be highly prejudiced.

The prayer for staying the operation of the impugned order and judgement dated 24.03.2025 passed by the Ld. 10<sup>th</sup> Judicial Magistrate, Calcutta in connection with Complaint Case No. CS-22139 of 2020 is allowed for ends of justice.

The operation of the impugned order and judgement dated 24.03.2025 passed by the Ld. 10<sup>th</sup> Judicial Magistrate, Calcutta in connection with Complaint Case No. CS-22139 of 2020 is stayed till next date (**20.11.2025**).

The appellant is permitted to remain on same bail bond as furnished before the Ld. Trial Court.

Let a copy of this order be sent to the Ld. Trial Court for information.

Dictated & corrected by me

Chief Judge,  
City Sessions Court, Calcutta.

Chief Judge,  
City Sessions Court, Calcutta.