

Criminal Appeal no. 29 of 2026
CNR–WBCS01-000136-2026
Present: Sri Sudipta Kumar De
J.O. CODE NO.WB01136
Chief Judge,
City Sessions Court, Calcutta

Order no. 05 dated 05.08.2026

Today is fixed for hearing of the petition u/s 5 of the Limitation Act as last chance.

Ld. Advocate for the appellant is present.

Ld. Public Prosecutor in Charge representing the OP no. 1/State is present.

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

Ld. Advocate for appellant has prayed for condonation of delay on any terms and condition and submitted that the appellant has challenged the order dated 17.11.2025 passed by the Ld. Judicial Magistrate, 12th Court, Calcutta in connection with Misc Execution/122/2025. He further submitted that the appellant is a cancer patient and has to undergone constant medical treatment and most of the time, he has to take bed rest and these are the main reason for which an unintended delay of 61 days occurred in filing the instant appeal.

In support of his contention, supporting medical documents have been filed by way of firisti. Copy served. Let those be kept with the record.

Ld. Prosecutor representing the OP no. 1/State prayed for passing necessary order.

Ld. Advocate for the OP no. 2 submitted that the present application is not maintainable as the reasons advanced by the appellant for condonation of delay is not proper and as such, there is no ground to entertain the petition under Section 5 of the Limitation Act.

Heard. Perused the entire case record.

Considering the explanation offered by the appellant towards the delay, this Court is inclined to allow the prayer for condoning the delay in filing the instant appeal and accordingly, the delay is condoned and the instant appeal is admitted.

Call for TCR.

Fix **15.09.2026** for hearing of the instant appeal.

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.