

Criminal Appeal – 37 of 2024
(CNR No. WBEM0100- 7867-2024)

Order No. 03 , dated 12.02.2025.

Today is fixed for hearing of the application under Section 5 of the Limitation Act.

Appellant is present by filing hazira.

Ld. P.P in-charge is present.

Heard the Ld. Advocate for the appellant in respect of application under Section 5 of the Limitation Act.

The appellant namely, Lipika Bera is examined before this court and stated that she was under medical treatment from 22.09.2024 to 30.11.2024 due to her illness, for which she could not make contact with her Ld. Advocate and delay was caused for filing this appeal.

From the certified copy of Misc Case no. 356/2020, it appears that on 24.09.2024 the impugned order has been passed by the Ld. Judicial Magistrate, 3rd Court, Tamluk. The application for certified copy was made on 03.12.2024 and was delivered on 04.12.2024. Medical document has been filed on behalf of the appellant from which it appears that she was under treatment of Dr. Biswajit Choudhury from 22.09.2024 to 30.11.2024 and she was advised for complete bed rest.

Considering such circumstance and the reasons for delay, I am inclined to allow the prayer under Section 5 of Limitation Act.

Hence, it is

O R D E R E D

that the petition under Section 5 of Limitation Act is considered and allowed.

The delay of filing the appeal is hereby condoned and the appeal is admitted.

Since the appeal is otherwise ready, let it be transferred to the Court of Ld. Additional District & Sessions Judge, Fast Track, 1st Court, Tamluk, Purba Medinipur, for disposal.

Fix **24.03.2025** for appearance of the appellant before Ld. Transferee Court.

Dictated & corrected by me:

Sd/-
Sessions Judge,
Purba Medinipur.

Sd/-
Sessions Judge,
Purba Medinipur.
J.O Code No.WB00660