

Cr. Appeal No.03/2025

Order No.11 dated 08/09/2025.

Both parties are present by filing hazira.

Ld. P.P., Hooghly is also present by filing hazira.

The petition dated 27/01/2025 filed on behalf of the appellant under section 5 of the Limitation Act is taken up for hearing.

At the inception of hearing learned counsel on behalf of the o.p. no.1/wife submits that he has no objection against the said petition filed on behalf of the appellant and the Learned Court may condone the said delay.

Ld. P.P., Hooghly leaves the matter upon the discretion of the Court.

Having heard the submissions of learned counsels and perusing the materials on record and considering the fact that Id. Counsel on behalf of the o.p.no.1 has no objection if the petition under section 5 of the Limitation Act is allowed, this Court is of the opinion that the appellant must be given an opportunity to get his right decided in this appeal on merit. The cause of delay more or less convincing and appears to be acceptable and thus the prayer for condonation of delay is allowed.

Hence, it is,

ordered

that the application under section 5 of the Limitation Act is allowed on consent.

Let the appeal be admitted. Call for T.C.R.

To **24/09/2025** for T.C.R. and hearing.

Appellant is directed to serve copy of the Memo of Appeal to the respondents.

Let the case record be transferred to the Court of Ld. Additional Sessions Judge, 2nd Court, Hooghly for disposal.

Ld. Judicial Magistrate, 4th Court, Hooghly is requested to send the T.C.R. before the Ld. Transferee Court at once.

Parties are directed to appear before the Ld. Transferee Court on the next date positively.

Dictated & corrected by me.

Sessions Judge, Hooghly

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