

Criminal Appeal 10 of 2024
CNR No. WBHW01-000461-2024

Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No. 12, dated : 07.05.2025

Today, the date is fixed for hearing upon track report.

Hazira is filed on behalf of the appellant through Ld. Advocate.

Hazira is filed on behalf of the respondent Nos.2 and 3 through Ld. Advocate.

Ld. Advocates of both sides are present. None appears representing the State.

Now, the case record is taken up for hearing upon track report.

Ld. Advocate for the appellant submits that he has already sent notice through Court process as well as through Post to all the private respondents and respondent No.2 and 3 have already entered their appearance in this case. It is further submitted that the postal track report of the respondent No.1 shows that the consignment is delivered to the addressee, but the service through Court process could not be effected. It is further submitted that notice was sent to the Opposite Party No.1 on the address as noted in the case record of the Ld. Trial Court, but the Opposite Party No.1 is willfully avoiding the service of summons.

Ld. Advocate for the O.P No.2 and 3 submits to pass necessary order.

Perused the track consignment report, lying in the case record, wherefrom, it appears that the consignment was shown to be delivered to the addressee on 22.02.2025, but till date, the O.P No.1 has not appeared. It also appears from the postal receipt that the consignment was properly addressed as per the cause title of this appeal.

Hence, relying on the postal receipt and the track consignment report and comparing the same with the case record, I am of the considered view that the summons was properly served upon the respondent No.1, but till date, he did not turn up before this Court to contest this appeal.

Accordingly, let the appeal be proceeded ex parte against the Respondent No.1.

Let the case record of the Ld. Trial Court be called for.

Fix 08.07.2025 for L.C.R and hearing of appeal.

Dictated & Corrected by me.

A.S.J, 1st Court, Howrah

Additional Sessions Judge,
1stCourt,Howrah.