

Criminal Appeal 10 of 2024
CNR No. WBHW01-000461-2024
Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No. 14,

Dated : 12.08.2025

Today, the date is fixed for show cause by the respondent No.2 and 3.

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. The respondents No.2 and 3 file the show cause petition, supported by an affidavit.

Respondent No.1 appears today by filing show cause petition along with a petition praying for vacating the ex parte order being No.12 dated 07.05.2025 on the ground stated therein.

Ld. Advocate Sri Alok Kr. Laha files vokalatnama representing the respondent No.1. Let the same be kept with the case record.

The respondent/State files hazira through Ld. PP-in-Charge.

Now, the show cause petition, filed by the respondent No.2 and 3 is taken up for hearing.

Ld. Advocate for the respondent No. 2 and 3 submits that on 08.07.2025, owing to the incessant rain falling, the hazira for the respondent No.2 and 3 has been filed at late hours and owing to such bad weather, when the matter was called for hearing, Ld. Advocate for the respondents No.2 and 3 could not appear before this Court as he was stuck in water logging. Accordingly, he prays for accepting the show cause.

Heard. Considered.

Let the show cause, filed by the respondent No.2 and 3 is hereby accepted.

Now, the show cause petition and the petition praying for vacating the ex order being No.12 dated 07.05.2025 are taken up for hearing.

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[Continuing Order dated 12.08.2025]

Ld. Advocate appearing for the respondent No.1 submits that the respondent No.1 has not received any summons of this case as the appellant willingly sent the same to his ancestral address, where, the respondent No.1 does not reside. Accordingly, he has no knowledge about the institution of this instant appeal. Ld. Advocate further submits that the respondent No.3 has intimated him about the institution of this appeal through a letter and it is only after receiving the said letter on 31/07/2025, he has come to know about this appeal and accordingly, he appears before this Court. Hence, he prays for accepting his show cause and also prays for vacating the ex parte order being No.12 dated 07.05.2025.

Heard. Considered.

Considering the submission of the Ld. Advocate for the respondent No.1, the show cause, filed by the respondent No.1, is found to be satisfactory and the same is accepted.

Consequently, the order being No.12 dated 07.05.2025 is hereby recalled with regard to proceeding to the appeal ex parte against respondent No.1, subject to payment of cost of Rs.2,000/- to be paid to the appellant.

Fix 11/09/2025 for hearing of the Criminal Appeal.

Dictated & Corrected by me.

A.S.J, 1st Court, Howrah

Additional Sessions Judge,
1stCourt,Howrah.