

Criminal Appeal No. 35 of 2024
CNR WBHW0100 2451 2023
Present: Sonia Majumdar
Sessions Judge, Howrah.
J.O. Code – WB01128

Order No. 05 dated 27.01.2025.

Both appellant and respondent file their respective haziras through their learned Advocates.

Today is fixed for hearing of the application under Section 5 of the Limitation Act filed by the appellant praying for condonation of delay in filing the instant appeal.

By filing the application under Section 5 of the Limitation Act, learned Advocate for the appellant has submitted that the appellant could not file the instant appeal within the statutory period of limitation due to some unavoidable circumstances and for that reason there was some delay in filing the appeal. He has further submitted that the delay in filing the appeal is completely unintentional and the same may be condoned.

Heard learned Advocate appearing on behalf of the respondent no. 1.

Also heard the learned P.P. in charge representing the State who raises vehement objection against the application under Sec. 5 of the Limitation Act.

Heard. Perused. Considered.

On consideration of the same, I find that as per the office report there is 09 days delay in filing the instant Criminal Appeal.

Considering the facts and circumstances of this case and in the interest of justice, the delay of 09 days in filing the instant Criminal Appeal is hereby condoned and the petition under section 5 of the Limitation Act is allowed.

Hence, it is,

ORDERED

that the application under Section 5 of the Limitation Act in Criminal Appeal No. 35 of 2024 is allowed on contest.

It appears that there is prima facie merit to admit the appeal and accordingly, the same is admitted.

Call for L.C.R.

Fix 20.03.2025 for L.C.R.

Dictated & corrected by me.

S. J.

Sessions Judge, Howrah.