

Criminal Motion No.58 of 2025
CNR No. WBHW0100 3970 2025
Present: Sri Subhash Kumar Kar
Sessions Judge, Howrah
J.O. Code – WB00592

Order No.08 dated 22.07.2026

Parties have taken their respective steps.

The date is fixed for hearing of the application U/s.5 of the Limitation Act along with the petition U/s. 153 read with Section 151 C.P.C.

Heard both sides on both the petitions.

Seen the record.

The petition under Section 153 read with Section 151 C.P.C. is taken up for order.

The provision of Civil Procedure Code are not applicable to a criminal motion which is regulated by the provisions of BNSS.

However, pith and substance of the petition under consideration is that the petitioner wants to correct some typographical mistake occurred in the original petition.

Having regard to the nature of the correction the same is allowed.

D.A. is directed to make the necessary correction in the petition U/s.5 of the Limitation Act.

Now the petition U/s.5 of the Limitation Act is taken up for order.

The petitioner has made this application for condonation of delay of 850 days in filing the appeal.

It is stated in the petition that due to the laches of his Ld. Advocate he could not come to know about the dismissal of the complaint vide order dated 10.01.2023 passed by the Trial Court in connection with Complaint Case No.191C of 2022.

Ld. Advocate appearing for the petitioner submits that it is an established principle that for the laches of the Advocate the client cannot suffer and it is prayed to allow the petition.

On the other hand Ld. Advocate appearing for the O.P. No.1 submitted that the delay caused in this case is long and inordinate in nature and the petitioner himself cannot evade the

responsibility for not watching the proceeding vigilantly and in this connection he placed his reliance upon the decision of the Hon'ble Apex Court reported in 2025 (1) ICC 628 (SC).

In paragraph 10 of the said judgement it is observed by the Hon'ble Apex Court that even it is assumed that the concerned Lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and it is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance.

Therefore, I am of the view that the causes shown by the petitioner in his petition do not inspire confidence of the court as the same are not sufficient and cogent for the purpose of condoning a long delay of 850 days in filing the revisional application.

Hence, it is,

O r d e r e d

that the instance application U/s.5 of the Limitation Act is rejected on contest but without any cost.

Thus, this revisional application stands disposed of.

Dictated & corrected by me

S. J.

Sessions Judge, Howrah