

Criminal Appeal No.89 of 2024  
CNR No.WBHW0100 5901 2024  
Present: Abhijit Som  
Sessions Judge, Howrah  
J.O. Code – WB01127

Order No.06 dated 29.08.2025

Ld. Advocate of the appellant and the respondent No.1 are present.

Ld. P.P. in charge is also present.

Written objection is filed on behalf the respondent No.1.

The application u/S.5 of the Limitation Act is taken up for hearing.

The appeal is filed after a delay of 32 days. The ground set up for delay is that the interim order was passed on 19.10.2024 and the appellant decided to prefer an appeal but suddenly he became ill and that is why he could not file the appeal in time. The appellant prays for condonation of delay as the delay is not intentional one.

The Hon'ble Supreme Court in several decisions directed the Courts to take liberal approach in condoning delay as per Section 5 of the Limitation Act.

In view of the above, the delay in filing the appeal is condoned and the application U/s.5 of the Limitation is allowed, subject to payment of cost of Rs.2,000/- to be paid by the appellant to the respondent No.1.

Let the appeal be admitted.

To 12.09.2025 for payment of cost

Dictated & corrected by me

S. J.

Sessions Judge,  
Howrah