

Criminal Appeal 14/2023
Present: Smt. Papiya Das (J.O.No. WB00736)
Addl. District & Sessions Judge,
Alipurduar.

Order no.2
dt.29.05.23.

Today is fixed for hearing of petition u/s 5 of Limitation Act and admission hearing.

Ld. Lawyer for the appellant is present by filing hazira.

Perused the petition u/s 5 of Limitation Act, the affidavit and other materials on record.

Ld. Advocate on behalf of the appellant submits that the impugned order was passed on 28.09.22 and thereafter on account of Puja Vacation, the appellant could not file a petition for obtaining certified copy of the impugned order. Thereafter the appellant became ill on and from 17.12.22 upto 10.04.23 and he was advised to take rest at home by the concerned doctor. Thereafter on 11.04.23 the concerned doctor declared him fit to join his duties and thereafter the appellant applied for obtaining the certified copy of the impugned order and judgement on 26.04.23 and got the same on 28.04.23. On the next date i.e. on 29.04.23 the appellant filed the instant Criminal Appeal. He further submits that the instant criminal appeal has been instituted on 29.04.23 and considering the illness of the appellant as well as the entire procedure for obtaining certified copy of the order and filing the instant appeal, the delay may be condoned. He thus prays for admit the appeal after condoning the delay. Ld. Advocate for the appellant files the original fit certificate of the concerned doctor before this Court.

Considered.

From the record I find substance in the submission of the Ld. Advocate.

Hence the petition u/s 5 Limitation Act is allowed.

The delay in filing the instant criminal appeal is hereby condoned.

The instant criminal appeal is hereby admitted.

Appellant to put requisites at once.

To 18.07.23 for S/R & appearance.

Dictated & Corrected
by me

Addl. Sessions Judge,
Alipurduar.

Addl. Sessions Judge,
Alipurduar.

