

**Criminal Appeal No. 32 of 2024**  
**CNR No. WBJP05-001840-2024**

**Order no. 06,**  
**dt. 27/11/2024**

Mr. Khokan Dey Tahabildar, Ld. Advocate, appearing for the appellant, submits that he has filed an application for restoration of the Criminal Appeal but he is well aware that there is no provisions of law invoking which this Court can restore the Criminal Appeal.

Mr. Tahabildar fairly submits that only the Hon'ble High Court has the power to restore the Criminal Appeal under Sec. 482 Cr. PC but for the sake of record, he has filed the present application.

Heard.

Perused the case record.

The case was instituted on 12/09/2024 and the case was registered as Criminal Appeal No. 32 of 2024. The date was fixed on 24/09/2024 but the appellant was found unrepresented. The same Order reads as under:

**“The date is fixed for admission hearing.**

**The petitioner is found absent without step. On repeated call, he is found unrepresented.**

**It is 3.30 PM.**

**None appears for the appellant.**

**On perusal of the case record, it appears to me that the appellant is not interest to proceed with the case any further. In my view, thus, the case is fit for dismissal for non-prosecution.**

**Hence, it is,**

**ORDERED**

**that the instant Criminal Appeal being No. 32/2024 be and the same is dismissed for non-prosecution.**

**Note in the relevant register.”**

However, on 03/10/2024 Mr. Khokan Dey Tahabildar, Ld. Advocate, filed the present application for restoration of the Criminal Appeal.

Heard.

Considered.

The Ld. Counsel for the Appellant himself submits that this Court has no jurisdiction to restore the Criminal Appeal which he filed and only the Hon'ble High Court has jurisdiction to do so under Sec. 482 Cr.PC.

It is fact that there is no provisions in the Criminal Procedure Code for restoration of the Criminal Appeal by the same Court which passed the order of dismissal. Needless to

mention, this Court being a Criminal Court, has no jurisdiction to review his own Order and restore the Criminal Appeal.

In view of the above, this Court is of the opinion that, the petition for restoration of the Criminal Appeal is, thus, **rejected**.

The petition is, thus, disposed of.

Dictated & corrected by me:

Sessions Judge,  
Alipurduar

Sessions Judge,  
Alipurduar