

Criminal Motion 52/2025  
CNR No.- WBND010042862025  
R. No.- 52/25  
JO Code – WB00657

Order No. 02, dated – 05.12.2025.

The petitioner himself is present in person and also represented by his Ld. Lawyer.

The opposite party No.1 is represented by his Ld. Lawyer.

Ld. P.P, representing the State of West Bengal, is also present.

Date is fixed for hearing of the limitation petition, filed at the instance of the petitioner, seeking condonation of 114 days' delay in filing the instant Criminal Revisional application. The said condonation of 114 days' delay has been vehemently opposed by the Ld. Advocate for the opposite party No.1, and also by the Ld. P.P, contending, inter-alia, that the petitioner / revisionist intentionally made this delay to harass the opposite party No.1.

Having heard the Ld. Advocate for the petitioner, in the perspective of the present petition, seeking condonation of delay, it appears that the impugned order challenged herein was passed on 22.04.2025, and he has filed this revisional application on 22.09.2025, i.e. not within the specified time limit as prescribed in the statute. However, on the ground of condonation of delay he has submitted that, although 22.04.2025, was fixed for hearing, but the Ld. Trial Court, was pleased to pass an order of interim compensation on that date, without giving an opportunity to the petitioner / revisionist of being heard and without giving a date of passing the impugned order. In result thereof, the petitioner / revisionist was unaware of the order of interim compensation and on 09.09.2025, i.e. on the next date of hearing, while the petitioner / revisionist appeared before the Court, came to learn about the said order of interim compensation. Thereafter, the petitioner / revisionist applied for certified copy on 11.09.2025, which was made available on 19.09.2025, and the instant motion has been filed on 22.09.2025. Owing the aforesaid reason, the petitioner / revisionist could not file the application in proper time, pursuant to which 114 days' delay has been occurred and there is no intentional laches on the part of the appellant / petitioner, in filing the appeal within the specified time limit.

In view of such circumstances, it appears that the ground of delay being mere technicality, the same should not stand on the way of giving substantive relief to the parties, if the case is to be decided on merit and since the delay is a pivotal stage to enter into the final hearing of this case on merit, I think the same should be taken care of by giving due consideration, in the light of the catena of judgements passed by the Hon'ble Supreme Court, and as well as our Hon'ble parent High Court, Calcutta.

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Hence, it is

**ORDERED**

that the instant petition dated 22.09.2025, filed under section 5 of the Limitation Act, is hereby allowed on contest, at the cost of Rs.1000/- which is to be paid to the O.P No.1, and the O.P No.1 is directed to file an acknowledgement receipt of the cost.

The delay in filing the instant criminal revision, is hereby condoned.

Let the T.C.R be called for.

Fix **10.03.2026** for L.C.R.

Dictated & Corrected by me.

**Sd/- Subhankar Sen**  
Sessions Judge  
Nadia at Krishnanagar

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Sessions Judge  
Nadia at Krishnanagar  
05.12.2025