

**IN THE COURT OF Ld. DISTRICT JUDGE, NORTH 24 PARGANAS**

Present :  
Shri Santanu Jha (WB-00399), District Judge, North 24 Parganas.

**Crl. Motion No. 13 of 2025**

Order No.07, dated 10.12.2025.

The record is placed for passing order.

Smt. Sumita Saha has filed the instant Criminal Motion No.13 of 2025 under the provisions of Sections 438/440 of the BNSS challenging orders passed by the Additional Chief Judicial Magistrate/ACJM Barasat in Misc. Case No.300 of 2024.

The revisionist/petitioner also filed an application under Section 5 of the Limitation Act praying for condonation of delay in filing the said application and the same has been heard and the date is fixed for passing order.

The said revisionist/petitioner has stated in her application under Section 5 there was a delay of 120 days as she underwent angioplasty and fell sick for some time and was admitted to hospital for the period from 10.12.2024 to 24.12.2024 and was on strict medication and rests for six (6) months. It has been submitted that due to such illness the petitioner could not file the revisional application and has prayed for condonation of the delay. A certificate by Dr. Sushan Mukherjee dated 01.06.2025 has been produced and perused. It appears that the ground of illness has stated by the petitioner is not totally false and frivolous.

The respondent/IDBI Bank Ltd. has submitted a written objection dated 19.11.2025 wherein the Bank has denied and disputed the contention of the petitioner and has prayed for rejection of the application under Section 5 of the Limitation Act.

Ld. Advocate for the respondent/IDBI Bank Ltd. has submitted that a huge amount to the tune of more than Rs. 3,00,00,000 (rupees three crores) is outstanding dues and the petitioner is trying to drag the matter with malafide intention. It is submitted that no proper explanation has been given by the petitioner to justify her prayer for condonation.

Ld. Advocate for the petitioner on the other hand has submitted that if the delay is not condoned then the instant revision shall be frustrated and an opportunity may be given to the petitioner to challenge the impugned order passed by the Ld. Additional Chief Judicial Magistrate/ACJM Barasat.

Going by the application and written objection noted above and going by the submissions made by the Ld. Advocates of both sides it is found that delay has been caused by the petitioner and there is no day to day explanation of such delay for which the objection raised by the IDBI Bank does not appear to be unreasonable. However, keeping in mind the settled principle for consideration of a prayer for condonation, it may be observed that there is enough material to suggest that the petitioner was suffering from serious cardiac ailment and was treated by a renowned doctor in the hospital. The petitioner has challenged certain order passed by the Ld. Additional Chief Judicial Magistrate/ACJM Barasat whether the said revisional application is maintainable or not and whether the same has any

merit or not can be examined only when the instant Criminal Revision is registered and considered after hearing both sides. At this stage, it does not appear that the respondent/ IDBI Bank Ltd. will suffer irreparable loss and injury if the delay is condoned by taking a liberal view. The Bank will always have enough option to proceed against defaulter borrower and therefore this Court is of the considered view that an opportunity may be given to the petitioner subject to payment sufficient amount of cost. Though the respondent is a corporate body it has enough right to claim such compensatory cost from the petitioner.

Therefore, after thoughtful consideration of the facts and circumstances of this case it is observed that the application for condonation of delay may be allowed subject to payment a cost of Rs.35,000/- by the petitioner and Rs.15,000/- out of the same be paid to the DLSA whereas Rs.20,000/- be paid to the Respondent/Bank.

A petition for stay has been filed and let be same for hearing on the next date.

Fix 17.12.2025 for payment of cost by the petitioner and for passing further order.

W/O if any, in the meantime.

**Dictated and corrected by me,**

**Sd/-  
District Judge,  
North 24 Parganas**

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District Judge,  
North 24 Parganas**