

Criminal Appeal No.12 of 2023
(F-12 of 2023

Order No. 02 dated 27.06.2023

The petition under section 5 of the Limitation Act filed by the appellant is taken up for hearing.

Heard Ld. Advocate for the appellant.

It appears that there was a delay of 5 days.

It was the submission of the Ld. Advocate for the appellant that the appellant could not file the appeal in time due to Dalpurnima, strike by the staff, 2nd Saturday and Sunday.

Heard the Ld. Advocate for the appellant.

It appears that the appellant made such submission by swearing affidavit.

In my view the delay, as caused, was not the intentional delay. The situation was beyond the control of the appellant.

I think that on the basis of the said submission the instant application under section 5 of the Limitation Act may be allowed.

Hence, it is,

ORDERED,

That the instant petition under section 5 of the Limitation Act dated 14.03.2023 is allowed without cost.

Let the instant appeal be admitted.

Let the impugned judgment and order dated 06.02.2023 passed in case No. N.I. 23 of 2018 by the Ld. JM, 3rd Court, Sealdah be stayed for the moment.

Call for the LCR.

Let the case record be transferred to the court of Ld. ADJ, FTC 1st Court, Sealdah for disposal.

Requisites be filed before that court.

To **19.05.2023** for appearance before the court of the ADJ, FTC 1st Court, Sealdah.

D/C by me,

ASJ-I

(Anirban Das)/WB-691,
Addl. Sessions Judge ,
1st Court, Sealdah
South 24-Parganas