

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 48 of 2024

Devashish Banerjee @ Debashish Banerjee ... Appellant
-Versus-
The State of Jharkhand & another . .. Respondents

CORAM :- HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Appellant :- Mr. R.S. Mazumdar, Sr. Advocate

For the State :- Mrs. Ruby Pandey, APP

For the Resp. No.2 :- Mr. P. K. Choudhary, Advocate;

Mr. Amrit Anunay, Advocate

...

07/28.08.2024: IA (Cr) No. 1847 of 2024

All the counsels have appeared.

This interlocutory application is being filed for condonation of delay of 596 days in filing the instant criminal appeal against the order dated 08.03.2022 passed by the learned Special Judge-SC/ST, Dhanbad in MCA No. 402 of 2017 in connection with SC/ST Case No. 26 of 2016 arising out of Bankmore PS Case No. 442 of 2009, whereby and whereunder, the learned Court has been pleased to reject the petition filed by the appellant under section 239 of the CrPC for discharge without considering the facts and circumstances of this case.

The learned senior counsel for the appellant has submitted that the appellant has challenged the impugned order dated 08.03.2022 by filing CrMP No. 1764 of 2022 which was dismissed as withdrawn vide order dated 17.08.2023 with the liberty to file an appeal. Thereafter, the conducting counsel of the learned trial Court has obtained certified copy of the FIR, charge-sheet and the impugned order. The learned senior counsel has further submitted that unfortunately, the said order dated 17.08.2023 was not communicated to the appellant as appellant was not in touch with the concerned conducting counsel and after lapse of three months, the appellant gathered the contact number of the conducting lawyer and came to know about withdrawal of the said CrMP No. 1764 of 2022. Thereafter, the appellant contacted the counsel engaged by him at Kolkata and he was apprised that he may prefer an appeal challenging the impugned order.

The learned counsel for the respondent no.2 has opposed the prayer made in the interlocutory application for condonation of delay in filing the present criminal appeal.

Having heard the learned counsels for the parties, gone through the submissions and the cited CrMP order, delay of 596 days in filing the instant criminal appeal is condoned.

Accordingly, IA (Cr) No. 1847 of 2024 is allowed and disposed of.
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After hearing the submissions made by the learned counsels for the parties, case diary is directed to be called for from the concerned Court.

Put up this case on 18.09.2024.

S.B.

(Ratnaker Bhengra, J.)