

251 15.12.23

Ct. No. 04

akd

F.A.T. 69 of 2018

CAN 3 of 2023

CAN 4 of 2023

State of West Bengal

Vs.

Susama Das & Ors.

Mr. Soumitra Bandyopadhyay,

Mr. Priyabrata Batabyal,

Mr. Parikshit Goswami.

... for the appellant.

Ms. Sulekha Mitra,

Mr. Manas Kumar Das.

... for the respondents.

Re: CAN 4 of 2023

This is an application at the behest of the appellant seeking extension of time to deposit the money as directed by this Court on 1st September, 2023.

It is stated in the said application that because of the procedural hassles the approval of the said amount could not be secured within the time limited in the said order and, therefore, the delay in complying the direction passed by this Court was unintentional and beyond the control of the appellant.

Though the respondents have opposed the said application, but after considering that the said sum as directed by this Court is otherwise ready for depositing with the Registrar General of this Court, we extend the time to comply the order dated 1st September, 2023 for a period of a week from date.

The application being CAN 4 of 2023 is thus disposed of.

Re: CAN 3 of 2023

This is an application taken out by the respondents seeking clarification of the order dated 1st September, 2023.

Though the opposition has been filed, but we find that the points so raised therein relate to the merit of the instant appeal and, therefore, we do not intend to pass any order on the application for clarification at this stage.

The application being CAN 3 of 2023 is disposed of.

However, the points agitated in the application for clarification are kept open to be decided at the time of hearing of the appeal.

Let the hearing of the appeal be expedited.

Let the Lower Court Records be called for by special messenger at the cost of the respondents. Such cost shall be put in within a week from date. The office is directed to bring the Lower Court Records immediately upon deposit of the special messenger cost.

The office shall examine the Lower Court Records after its arrival and if it is found complete shall issue a notice under Rule 12 of Chapter IX of the Appellate Side Rules upon the learned Advocate on record of the respondents.

The respondents shall prepare and file 8 copies of informal paper books – printed, typewritten or cyclostyled, as the case may be, - out of Court, within four weeks from the date of notice of arrival of Lower Court Records.

All other formalities pertaining to preparation of paper books are dispensed with.

In the event, paper books are filed, liberty is granted to the parties to pray for early listing of the appeals.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

