

27.02.2026
Court No.25
SL No.3
S.Gayen

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate side

CRR 2759 of 2003

with

CRAN 1 of 2026

CRAN 2 of 2026

Md. Abdur Rahaman & Ors.
Versus
State of West Bengal

Mr. Subir Ganguly
Mr. Gunjan Shah
Mr. Laxman Maity

...for the Petitioners

1. The petitioners have filed an application being CRAN 1 of 2026 for condoning the delay of 2560 days in preferring an application for recalling of the order dated 6th February, 2019 wherein, this Court has dismissed the criminal revisional application for default and the interim order passed earlier was vacated and CPAN No.2 of 2026 for recalling of the order dt. 6th February, 2019.
2. The ground urged in the application for condoning delay is that the advocate who was dealing with the matter was elevated as Judge of this Court and the petitioners were unaware of the listing of the case due to which the petitioners could not appear before this Court when matter was called.
3. Learned Counsel for the petitioners submits that the petitioner No.1 is now 77 years of age and not in a position to contract the learned advocate to know about the status of the case and recently the petitioners came to know that the criminal revisional application is dismissed.

4. This Court finds that the petitioners have filed the revisional application against the judgment passed by the learned Additional Sessions Judge, 2nd Fast track Court, Coochbehar in Criminal Appeal No. 23 of 2002 by convicting the petitioners for the offence under Sections 447/435 of the Indian Penal Code and Sentence to suffer simple imprisonment for three months for the offence under Section 447 of the Indian Penal Code and further convicted and sentenced to suffer simple imprisonment for one year each and fine of Rs. 1000/- each, in default, to suffer further period of three months each for the offence under Section 435 of the Indian Penal Code.
5. This Court finds that against the order of conviction the revisional application has been moved before this Court on 12th December, 2003 and this Court while admitting the revisional application stayed the judgment and order dated 24th November, 2003 passed by the learned Sessions Judge. After the admission of the appeal, the petitioners have not taken any steps for expedite the matter and when the matter was taken up of hearing on 6th February, 2019, none appears on behalf of the petitioners and no accommodation has been sought for. Accordingly, this Court has dismissed the matter. Even after 2019 till date the petitioners have not taken any steps. Only the petitioner has filed the present application when the learned Trial Court has issued the warrant against the petitioners to suffer the sentence in terms of the judgment passed by the learned Sessions Judge.
6. This Court finds that this is the matter of 2003. The petitioners have taken benefit of the stay order passed by this Court on

24th December, 2003 and in the year 2019, the criminal revisional application is dismissed and the order of stay was vacated on 6th February, 2019.

7. Since 6th February, 2019, till 9th February, 2026, the petitioners have not taken any steps for recalling of the order dt. 6th February, 2019. Only when the learned trial court has issued warrant of arrest against the petitioners, the petitioners have filed the present application.
8. The petitioners have taken the ground that recently the petitioners came to know about the dismissal of the revisional application but have not stated the specific date when they came to know about the same.
9. The petitioners have taken further ground that the learned advocate who has filed the revisional application is elevated as Judge of this Court but the Hon'ble Judge was elevated in the year 2011 and the petitioners have not taken any steps to engage another advocate to proceed with the revisional application till the month of February, 2026.
10. The petitioners have not shown any sufficient cause as to why since the month of February, 2019 till the month of February, 2026 they have not taken any steps to recall the order dated 6th February, 2019. This Court did not find any reason to condone the delay of 2560 days in preferring an application being CRAN No.2 of 2026 to recall the order dated 6th February, 2019.
11. Accordingly, CRAN 1 of 2026 and CRAN 2 of 2026 are dismissed.

(Krishna Rao, J.)