

39 & 40 29.07.2026
SM Ct. No.42

CRR 4680 of 2022
With
CRAN 15 of 2026

Abhishek Kapoor
Vs.
Mr. Kabir Suman

With

CRR 842 of 2023
With
CRAN 12 of 2026

Bittu Roy Chowdhury
Vs.
Kabir Suman

Mr. Apalak Basu
Ms. Smita Mukherjee
Ms. Soheli Bose
Mr. Yavik Singha

... ... for the petitioner in CRR 4680 of 2022

Mr. Apalak Basu
Ms. Navneet Sewak

... ... for the petitioner in CRR 842 of 2023

1. None appears to represent the opposite party despite repeated service of notice and the grant of ample opportunities. Furthermore, no counsel is willing to accept appointment or appear as Amicus Curiae for opposite party in the present matter.
2. This Court has been exhausted all due process and coercive measures known to law to compel the appearance of the said party. Despite such rigorous efforts, the opposite party has intentionally and deliberately chosen to evade appearance and delay the course of justice.

3. It is cardinal principle of jurisprudence that criminal proceedings cannot be permitted to remain in a state of suspended animation or be dragged for an indefinite period at the unilateral whims of a defaulting litigant.
4. Weighing the totality of the facts and circumstances and the persistent non-cooperation, this Court deems it just, proper and expedient in the interest of justice to proceed with the hearing of this matter and to adjudicate the same on the merits based upon the materials available on record and the submissions advanced on behalf of the petitioners.
5. Let these matters appear on 28th August, 2026 under the heading "Hearing".

(Uday Kumar, J.)