

17.03.2026
Item Nos.
08-09
Court No.11
KCP

MAT 2168 of 2025
with
IA No. CAN 1 of 2026
and
IA No. CAN 2 of 2026

Md Abdul Wahab
- Versus -
The State of West Bengal & Ors.

with

FMA 50 of 2026
with
IA No. CAN 1 of 2026
and
IA No. CAN 2 of 2026

Md Abdul Wahab
- Versus -
The State of West Bengal & Ors.

Mr. Raghunath Chakraborty
Ms. Sabnam Sultana
...for the appellant

Mr. Swapan Banerjee, Ld. A.G.P.
Ms. Mitali Mukherjee
...for the State respondents

Affidavits-of-service, as filed, be kept on record.

Since both the appeals are arising out of a common order, let both the appeals be heard analogously.

Re : CAN 1 of 2026 in MAT 2168 of 2025

This is an application for condonation of delay.

Having noted the submissions made on behalf of the respective parties, and upon perusal of the materials on record, we are satisfied that sufficient cause existed which prevented the appellant from filing the appeal within the period of limitation provided therefor.

Accordingly, the application for condonation of delay is allowed. Delay is condoned.

The application for condonation of delay, being CAN 1 of 2026 is thus disposed of.

Re : CAN 1 of 2026 in FMA 50 of 2026

Mr. Chakraborty, learned advocate appearing for the appellant, submits that another appeal, being FMA 50 of 2026, has been filed challenging the same order and as such, the said appeal should also be decided along with the other appeal.

He submits that, although the said appeal was filed within the prescribed period of limitation; however, mistakenly an application for condonation of delay was filed in connection therewith. He submits that the appellant does not wish to proceed with the application. In view of this, the application for condonation of delay, being CAN 1 of 2026 filed in connection with FMA 50 of 2026, is dismissed as not pressed.

List both the appeals, along with their connected applications for stay, for further consideration on 2nd April, 2026.

The appellant is directed to communicate this order to the non-appearing respondents and to file affidavits of service on the returnable date, within one week from today.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)