

23 **26.09.2024**

(Dd)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

**CRA(DB) 14 of 2024
with
CRAN 1 of 2024**

In re : An application for admission of appeal under Section 374(2) of the Code of Criminal Procedure, 1973.

In the matter of : **Biren Barman**
... .. **Appellant**

Mr. Anirban Banerjee,
Ms. Rupa Basu, Advocates
... ..For the Appellant

Mr. Aditi Shankar Chakraborty, APP
Mr. Abniruddha Baiwas, Advocates
... ..For the State

In re : CRAN 1 of 2024

Appellant before us suffered a conviction and sentence of life imprisonment amongst others.

Delay is of 3979 days in filing the appeal.

Despite direction for filing affidavits, State did not file any affidavit to the condonation of delay.

Poor financial condition is canvassed as a ground for not proffering the appeal in time.

Court is usually lenient in condoning the delay. Court is concerned with the nature of the explanation rather the tenure of the delay.

For the ends of justice, since the appellant is suffering a life imprisonment opportunity should be granted to the appellant to prefer an appeal.

In such circumstances, we condone the delay in making and filing the application.

CRAN 1 of 2024 is **allowed**.

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Appeal is admitted.

Issue usual notices.

Call for the Trial court records.

Realisation of fine, if any, shall remain stayed.

Paper books be prepared within four weeks from the date of receipt of Trial Court Records.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)