

13.05.2025.  
Item No. 8  
Court No.1  
ap

CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE

**C.R.A. (DB) 21 OF 2025**  
**With**  
**I.A. No. CRAN 1 of 2025**

In the matter of: An appeal under Section 378(1)(b) read with Section 378(3) of the Code of Criminal Procedure, 1973 corresponding to Section 419(1)(b) read with Section 419(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.04.2025.

And

In re: Lipi Roy & Another. ... Appellants.

Mr. Sanjoy Mazoomdar,  
Ms. Sukanya Adhikary. .... for the appellants

**Re: CRAN 1 of 2025 (Condonation of Delay)**

1. This is an application for condonation of delay of 39 days in preferring the appeal.
2. Now, having heard the learned counsel appearing on behalf of the appellants and considering the pleadings made in this regard in the application for condonation of delay, we are satisfied that sufficient cause has been shown for non-filing of this criminal appeal in time. We are also of the opinion, for ends of justice, the delay be condoned.
3. Accordingly, the application for condonation of delay stands allowed and delay stands condoned.
4. The application for condonation of delay being CRAN 1 of 2025 is, thus, disposed of.

**Re: CRA (BD) 21 of 2025**

5. The instant appeal is filed by the de facto complainant against the judgment and order dated 17<sup>th</sup> January, 2025 passed by the learned Additional Sessions Judge, 3<sup>rd</sup> Court, Jalpaiguri in Sessions Case No. 1 of 2022 arising out of Sessions Trial No. 4(8) of 2022.
6. By the impugned judgment, the accused persons have been acquitted from the charge against the accused under Sections 417/376 of the Indian Penal Code.
7. This appeal is admitted.
8. Call for the records of this case.
9. Issue usual notices.
10. Pending hearing of the appeal, let the realization of fine, if any, be stayed.
11. Liberty is granted to the appellants to file an application for suspension of sentence upon notice to the State, service through the Learned Public Prosecutor, High Court, Calcutta.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***

***(Ajay Kumar Gupta, J.)***