



2023:CHC-JP:737

16  
16.06.2023.  
Ct. 3  
skc

**In the High Court at Calcutta**

**Circuit Bench at Jalpaiguri**

**Constitutional Writ Jurisdiction  
Appellate Side**

**WPA 2285 of 2022  
IA CAN 1 of 2023  
CAN 2 of 2023**

**Bharat Chandra Barman & Ors.  
-versus-  
State of West Bengal & Ors.**

Mr. Subir Kr. Saha, Adv.  
Mr. Bikramaditya Ghosh, Adv.  
....for State.

Re: CAN 2 of 2023

The petitioner has filed the present application for recalling of the order dated 3.2.2023 wherein in the absence of the petitioner, this Court has dismissed the writ petition for default. The petitioner has also filed another application, being CAN No. 2 of 2023 for condonation of delay of 45 days for filing the present application.

Considered the submission made by the learned Counsel for the petitioner and perused the application, sufficient cause has been shown for non-filing of the application within the time prescribed. Accordingly,



delay is condoned and CAN 2 of 2023 is disposed of.

Re: CAN 1 of 2023

Counsel for the petitioner submits that Counsel for the petitioner was not well and, as such, Counsel for the petitioner could not appear before this Court on the date fixed. Accordingly, this Court has dismissed the writ application.

Considered the submission made by the Counsel for the petitioner and perused the materials on record, this Court finds that sufficient cause has been shown for non-appearance. Accordingly, order dated 3<sup>rd</sup> February, 2023 is recalled. WPA No. 2285 of 2022 is restored in its original file. CAN 1 of 2023 is disposed of. WPA No. 2285 of 2022 be placed before the next available Circuit Bench.

**(Krishna Rao, J.)**