

09.09.2026

Item No.11

Ct. No.11

MKP

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**MAT 87/2026
With
IA No: CAN 1 OF 2026**

**Bikash Saha
Vs.
The State Of West Bengal And Ors.**

Mr. Bibek Tarafder.

... For the Appellant.

Mr. Kunaljit Bhattacharjee, Ld.AGP

Mr. Ashoke Kumar Singhi.

.....For the State

Re: CAN 1 of 2026

1. This is an application under Section 5 of the Limitation Act, 1963. The appellant seek condonation of the delay in filing this appeal. It is submitted on behalf of the appellant that for reasons beyond their control and in view of the pending proceedings under Section 138 of the Negotiable Instruments Act, they had been unable to take steps for filing of this appeal.

2. It appears from the averments made in the application that there are sufficient causes in condoning the delay in the filing of this appeal.

3. In view of the above, **CAN 1 of 2026**, stands **allowed**.

The delay in filing this appeal is condoned.

1. This appeal is directed against an order dated 16th December, 2024 dismissing the writ petition. The primary grievance of the petitioner is directed against inaction of the State Authorities in carrying on an investigation being Mathabhanga, Police Station Case No.29 of 2022 dated 25th January, 2022 under sections 379/420/465/467/468 and 473 of the Indian Penal Code.

2. It is submitted on behalf of the appellant that despite being acquitted in the related case arising out of Section 138 of the Negotiable Instruments Act, the State/Respondent more particularly the police authorities are deliberately procrastinating the proceedings. In view of the above, the State is directed to file a Report. Officer or the concerned any Designated Officer is directed to be present in Court on 10th September, 2026. It is made clear that the pendency of the proceeding will not act as embargo

in the State Authorities proceeding expeditiously in
accordance with law.

3. Let the matter appear on **10.09.2026**.

(Ravi Krishan Kapur, J)

(Supratim Bhattacharya, J.)