

21.07.2026
Serial no. 74
BP
Court no.9

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

CRM (DB) No. 511 of 2024
With
I..A. No. CRAN 1 of 2025
CRAN 2 of 2025

In re: An Application for cancellation of bail under Section 483(3) of
Bharatiya Nagarik Suraksha Sanhita, 2023

-And-

In the matter of : Shiv Kumar Sah
... .. Petitioner

Ms. Avisikta Das

... .. *For the Petitioner*

Mr. Jagriti Mishra, Ld. Assistant Additional Advocate General
Mr. Reshab Kumar
Mr. Tapas Prasad
... ..*For the State*

Mr. Arjun Chowdhury
Ms. Riya Agarwal
..for the opposite party no.2

1. CRAN 2 of 2025 is an application seeking condonation of delay and the final application for restoration being CRAN 1 of 2025 submitted on behalf of the petitioner that the application was prepared and made ready for presentation. However it was misplaced and could be recovered only after a lapse of twenty days.

2. Learned advocate appearing for the petitioner submits that the petitioner should not be penalized for the acts/omissions of learned advocate.
3. Learned advocates appearing for the State and the opposite party no.2 raise objection.
4. In view of the averments made in the application, causes shown in the application, are accepted as sufficient. Delay of twenty days in making and filing the application for restoration is condoned.
5. CRAN 2 of 2025 is disposed of.
6. CRAN 1 of 2025 seeking restoration of CRM (DB) No. 511 of 2024 seeking cancellation of bail granted to the opposite party no.2. By filing the instant application the petitioner has prayed for restoration of the application for cancellation of bail upon recall of order dated 13th May, 2025.
7. It was pleaded in such petition that the learned advocate appearing for the applicant missed the cause list and failed to follow up with the list. The clerk of the learned advocate was also not present on that very day. As a consequence the matter was called on and dismissed by the Court for default.
8. Again the learned advocate for the petitioner has submitted that the application for cancellation of bail filed on behalf of the petitioner was dismissed for default on the part of

learned advocate for the petitioner. Fault on the part of learned advocate should not be fall upon the petitioner.

9. The learned advocates for the State and the opposite party no.2 raise objections.
10. Considering the aforesaid circumstances and also taking into account that for the acts of the learned advocate, the petitioner should not be penalized the petition for restoration of the application for cancellation of bail is allowed.
11. CRM (DB) No. 511 of 2024 be restored to its original file and number.
12. CRAN 1 of 2025 is disposed of.
13. List CRM (DB) No.511 of 2024 on 22nd July, 2026 for final hearing.

(Md. Shabbar Rashidi, J.)