

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

04.03.2024  
Court No.4  
Item No.1  
(kc)

**C.R.A.(SB) NO. 32 of 2023**

**CRAN NO. 1 of 2023**

In Re: An application for condonation of delay in filing the appeal under section 05 of the Limitations Act.

And

In the matter of:      Anarul Mia @ Anarul Miya.

.....appellant

Mr. Debajit Kundu

For the Petitioners.

This instant appeal has been filed at the behest of the convict/petitioner challenging the judgment and order dated 24<sup>th</sup> February, 2023 and 28<sup>th</sup> February, 2023 passed by the learned Trial Court in connection with Children Court Case No.03 of 2021 by which the present petitioner was convicted under Section 10 of the Protection of Children from Sexual Offences Act, 2012. The instant application is filed with a prayer for condonation of delay in preferring this instant appeal. It is stated by the convict/petitioner that he was prevented by sufficient causes from not preferring this instant appeal within the stipulated period of time as enshrined in the Act. The

grounds stated at paragraph 5 of the application appears to be satisfactory and as such, there is no such impediment in allowing the application.

Accordingly, CRAN/1/2023 is hereby allowed.

The appeal is hereby admitted.

The convict/petitioner is directed to serve notice upon the other side within two weeks from this date and file affidavit-of-service on the returnable date.

Let the matter appear after two weeks.

Let the LCR be called for in connection with Children Court Case No.03 of 2021 and Children Court Trial No.01(12)/2021 arising out Sitalkuchi P.S. Case No.4/8/2021 u/s.4 of POCSO Act.

(PRASENJIT BISWAS, J.)