

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRMSPL/3/2025

With

CRA/6/2025

With

CRAN/1/2025

The State

Vs.

Shri Dev Singh Ram

Mr. Sumit Kumar Karmakar ... for the petitioner/appellant

11.07.2025

[SR]

Item Nos.2 &3

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

This appeal at the instance of the State against an order of acquittal passed by the learned Sessions Judge, Andaman and Nicobar Islands in Session Case No.19 of 2019 in connection with FIR No.5 of 2019, Police Station Campbell Bay under sections 302/323 of the Indian Penal Code.

The State has filed an application under section 5 of the Limitation Act and prays for condoning the delay of 142 days for preferring the appeal against the order of acquittal.

We have considered the submissions made by the learned counsel for the petitioner/appellant and the cause shown in the application. We are satisfied that the petitioner has shown sufficient cause for not filing the appeal within the statutory period. Delay of 142 days is condoned.

Accordingly, **CRAN/1/2025** is disposed of.

Re: CRMSPL/3/2025 (Special Leave to prefer appeal)

The State has also filed an application for leave to prefer the appeal against the judgment of acquittal passed by the learned Session Judge in Session Case NO.19 of 2019 dated 26th November, 2024. Learned Public Prosecutor submits that the learned Session Judge has not considered the probative value of the evidence led by the prosecution and without considering the materials on record has acquitted the respondent. He submits that there are sufficient evidence on record to prove that the respondent has committed the offence under section 302 of the Indian Penal Code.

Considering the submissions made by the Public Prosecutor and after perusing the judgment and the evidence of witnesses, special leave is granted to prefer the appeal against the judgment of acquittal passed by the learned Sessions Judge in session case no.19 of 2019 dated 26th November, 2024.

CRMSPL/2/2025 is disposed of.

Re: CRA/6/2025 (Appeal)

The criminal appeal is admitted.

Trial Court Records be called for.

The Registry is directed to prepare requisite number of paper books and to serve the same to the parties within a period of six weeks from date.

Liberty to mention.

As this Court has granted special leave to prefer an appeal against acquittal, the respondent is directed to

surrender himself before the learned Sessions Judge, at Port Blair within a period of two weeks from date, and if he surrenders before the learned Sessions Judge, he may be released on bail by imposing condition that he shall not leave the island without prior permission of this Court.

(Kausik Chanda, J.)

(Krishna Rao, J.)