

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

CRA(DB)/9/2025
IA No.CRAN/1/2025

Shri R. Muniyaswamy

Vs.

The State and ano

Mr. Subankar ... for the appellant
[on behalf of Mr Alokesh Sarkar]

Mr. Sumit Karmakar ... for the State

November 3, 2025
[SR]
Item No.7

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

This is an application for condonation of delay of 403 days in preferring the appeal against the conviction. The appellant was sentenced to imprisonment for a period of 20 years by the learned Additional Session Judge –cum- Judge Special Court (POCSO) in Special Case No.54/2021.

The appellant was in custody. He was ignorant about the intricacies of law and thus, was not in a position to approach the Court within the stipulated period by filing the appeal. It is submitted that request was made to the Jail Authorities to guide him. Ultimately, the Legal Services Authority engaged a learned advocate to prefer the appeal on behalf of the appellant. The time consumed between the conviction and engagement of an advocate from the Legal Services Authority to file the appeal should enure to the benefit of the appellant. The appellant has

a right of appeal. He was neither negligent nor disinterested in pursuing his legal remedy.

Mr. Sumit Karmakar, submits that the appeal is inordinately delayed.

Under the circumstances narrated above, the delay in preferring the appeal is condoned.

Accordingly, CRAN/1/2025 is disposed of. Let the appeal be registered.

Re:CRA(DB)/9/2025

The appeal will be heard.

Issue usual notices upon the defacto complainant/victim through the concerned police station.

Notice upon the State is dispensed with as Mr. Sumit Karmakar appears.

Call for the Trial Court Records immediately.

Requisite number of paper books shall be prepared by department within a period of four weeks from date of arrival of the Trial Court Records.

The time period fixed is mandatory. Notice shall be given to the respective learned advocates for the parties, upon preparation of the paper books.

Hearing of the appeal be expedited and list this matter in the Circuit Bench commencing in the month of January, 2026.

(Shampa Sarkar, J.)

(Ananya Bandyopadhyay, J.)