02.06.2022 Sl. No.2 ns

C. R. R. 1299 of 2022 With CRAN 1 of 2022

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In Re: Satyadeo Prasad Shaw.

Mr. Sourabh Chatterjee, Mr. Arup Kumar Roy	 for the petitioner.
Mr. Swapan Banerjee, Ms. Amita Gaur	 for the State.
Mr. Goutam Dinda, Mr. Anindya Sundar Chatterjee	 for the KMC.

Re: CRAN 1 of 2022

This is an application for condonation of delay in connection with the instant revisional application being CRR No.1299 of 2022. It appears that this application has been filed after a delay of about 9 years and 4 months.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioner, submits that the petitioner was not communicated by his learned advocate as to the dismissal of his appeal being Criminal Appeal No.93 of 2006 on 13th December, 2012 by the learned Sessions Judge in the Court below. He submits that the petitioner came to know about the said order only on 6th April, 2022, when he was arrested and

thereafter he challenged the said order by filing this revisional application.

On behalf of the Kolkata Municipal Corporation, an affidavit has been filed against the application for condonation of delay. There is no specific denial as to the averments made by the petitioner in his application for condonation of delay.

It has been submitted by the learned advocates representing the KMC and Mr. Swapan Banerjee, learned advocate representing the State that the money receipt appearing at page 25 does not match with the case number of this Court.

Mr. Chatterjee, in his reply, submits that the number mentioned in the money receipt is the number of the case of the trial Court.

A litigant should not be penalised for the laches or misconduct on the part of his learned advocate. In the present case, though I am of the view that the petitioner should have been more diligent in pursuing his case before this Court, I am inclined to grant him an opportunity to contest his appeal on merit.

Having regard to the facts and circumstances of the case, I condone the delay in preferring this revisional application subject to the condition that the petitioner will pay a cost of Rs.10,000/- to the State Legal Services Authority, West Bengal within a period of two weeks from date.

C.R.A.N. 1 of 2022 is disposed of.

(Kausik Chanda, J.)