

02.12.2021

CRA 432 of 1988

Court : 35
Item : PB-03
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

Aswini Senapati
Vs.
Narayan Chandra Pal & Anr.

Mr. Binay Kumar Panda, Advocate
Mr. Subham Bhakat, Advocate

..... for the State

None appears for the appellant. It appears that despite several administrative notices were sent to the appellant, the appellant could not be brought on record. As such, I feel that the appellant is not interested to proceed with the appeal.

Mr. Panda, learned Advocate appearing for the respondent no. 2/State of West Bengal submits that the Court may pass necessary order or direction as the Court deems it proper after going through the case record.

This appeal has been preferred by the appellant Aswini Senapati being aggrieved by the judgment and the order of conviction and sentence passed by the learned Sessions Judge, Midnapore in Sessions Trial Case No. XII of November 1987 arising out of Complaint Case No. 308C of 1985 from the Additional Chief Judicial Magistrate, Tamluk.

By the judgment, the learned Sessions Judge held the appellant guilty of commission of the offence punishable under Section 324 of the Indian Penal Code and he was sentenced to suffer rigorous imprisonment for one and half years and to pay a fine of Rs.1,000/-, in default to suffer further rigorous imprisonment for three months.

It was directed that the half of the amount, if realized, shall be paid to the injured Narayan Pal who is the respondent no. 1 herein.

I have minutely read the judgment passed by the learned Sessions Judge. It appears that the learned Sessions Judge recorded the findings on proper appreciation of the evidence. In my view, the judgment does not suffer from any illegality or irregularity.

In view of the above, I find no reason or justification to interfere with the judgment and the order of conviction and sentence.

Accordingly, the appeal is dismissed.

Send back the relevant case records to the learned Court below along with the copy of this order.

CRA 432 of 1988 is disposed of accordingly.

If the appellant has not served out the sentence with entirety, he is directed to surrender before the learned trial Court forthwith. If the appellant does not surrender before the trial Court immediately, the trial Judge is at liberty to pass necessary order or direction so that the appellant serves out the remaining sentence, if any.

(Rabindranath Samanta, J.)

