

1.12.2021
sl. 6 ct.35
sk.

C.R.A. 170 of 1986
(Rabindranath Saha – vs- State of West Bengal)

Mr. Saswata Gopal Mukherjee
...for the State.

This appeal has been preferred by the appellant/convict, Rabindranath Saha being aggrieved by the judgement and the order of conviction passed by the learned Judge, Special Court,(E.C.Act), Suri, Birbhum.

It appears from the case record that despite all endeavours were made, the appellant/convict could not be brought on record.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor appearing for the respondent, State of West Bengal submits that he has no instructions from the State and the Court may pass necessary order as the Court deem fit and just.

I have minutely read the judgement passed by the learned Trial Judge on 20th March, 1986 in Special Court, (E.C.Act) Case No. 58 of 1983.

By the judgement the learned Trial Judge held that the convict was guilty of commission of offence punishable under Section 7(I)(a)(ii) of the Essential Commodities Act and sentenced him to suffer rigorous imprisonment for three months and to pay a fine of Rs. 200/- in default to suffer R.I. for one month.

Perusal of the judgment of the learned Trial Judge shows that the learned Trial Judge rendered the judgment after proper assessment and appreciation of the evidence on record. However, after wadding through the evidence on record, I find that the judgment of the learned court below is based on evidence and it is in accordance with law.

I find no reason to interfere with the judgment and the order of conviction passed by the learned Trial Judge.

In view of the above, the appeal is dismissed.

The judgment and the order of conviction passed by the learned Judge, Special Court (E.C.Act), Suri, Birbhum in Special Court Case No. 58 of 1983 is confirmed.

Let a copy of this judgment along with the Lower Court records be sent down to the learned Court below.

The appeal is disposed of accordingly.

If it is found that the convict has not served out the sentence with entirety, the learned Trial Judge is at liberty to pass necessary order or direction upon the convict for serving out the remaining sentence, if any.

Xerox certified copy of this order, if applied for, be given to the parties on urgent basis.

(Rabindranath Samanta, J.)

