

01.12.2021

CRA 290 of 1987

Court : 35
Item : PB-11
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

Nepal @ Paltu Mandi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Saswata Gopal Mukherjee, Learned Public Prosecutor
Mr. Binay Kumar Panda, Advocate

..... for the State

The appellants/convicts preferred the appeal being aggrieved by and dissatisfied with the judgment and order of conviction passed by the learned Additional Sessions Judge, Midnapore in Sessions Trial Case No. XIV of August 1985. The appeal was posted for hearing on number of days. But the appellants were not represented before the Court.

Thereafter, this Court made all endeavours to serve notice upon the appellants calling upon them to appear before this Court but to no effect.

However, meanwhile some reports have been received pertaining to service of administrative notice wherefrom it appears that the appellant nos. 2, 3 and 4 namely Lakhiram Mandi, Hapan Mandi and Bangru Mandi expired a few years back. But despite exhausting all the processes, the appellant no. 1 Nepal @ Paltu Mandi could not be brought on record.

On the demise of the appellant nos. 2, 3 and 4 namely Lakhiram Mandi, Hapan Mandi and Bangru Mandi, the appeal has abated against them.

Mr. Saswata Gopal Mukherjee, learned Public

Prosecutor, submits that he has no instruction from the State as to further proceeding of the appeal. He fairly submits that the Court may pass necessary order as the Court deems it proper.

I have minutely read the judgment passed by the learned Additional Sessions Judge, Midnapore in Sessions Trial Case No. XIV of August 1985. As I find, the appellants faced the trial of the charges under Section 148 and 302/149 of the Indian Penal Code. However, the appellants are convicted for commission of the offence punishable under Section 304(ii)/149/148 of the Indian Penal Code and they were sentenced to suffer rigorous imprisonment for one year for the commission of offence punishable under Section 148 of the Indian Penal Code and three years rigorous imprisonment for commission of offence punishable under Sections 304(II)/149 of the Indian Penal Code.

What I perceive, the learned trial Judge rendered the judgement after assessment and appreciation of the evidence-on-record. I have also waded through the evidence-on-record recorded by learned Court below. I find that the judgment passed by the learned trial Judge is based on evidence and in accordance with law. I find no illegality in the judgment.

In view of the above, I find no reason to interfere with the judgment passed by learned trial Judge. The appeal is dismissed as against the appellant no. 1 Nepal @ Paltu Mandi and abated against rest of the appellants.

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

If it is found that the appellant no. 1, Nepal @ Paltu Mandi has not served out the sentence on entirety, the learned trial Judge is at liberty to pass necessary direction upon the convict for serving out the remaining sentence, if any.

CRA 290 of 1987 is disposed of accordingly.

(Rabindranath Samanta, J.)