

1.12.2021  
sl. 19, ct.35  
sk.

C.R.A. 2 of 1991  
( Mozafar Hossain -vs- State of West Bengal )

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

This appeal has been preferred by the appellant Mozafar Hossain being aggrieved by and dissatisfied with the judgment and the order of conviction passed by the learned Judge, Special Court, E.C. Act in Case No. 3 of 1988.

It appears from the case records that despite endeavours were made by the court, the appellant could not be brought on record.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor representing the State submits that this court may pass necessary order or direction as the court deems fit and proper after going through the records.

I have minutely read the judgment passed by the learned Judge, Special Court, E.C.Act. Murshidabad in the aforesaid case.

By the judgment the appellant who arraigned as an accused in the case was found guilty of commission of offence punishable under Section 7(1)(a)(ii) of the E.C.Act and he was sentenced to suffer rigorous imprisonment for four months.

What I perceive, the judgment of the learned court below is based on proper assessment and appreciation of the evidence on record. I find no illegality or irregularity in the judgment. In view of the above, I find no reason to interfere with the judgment and the order of conviction and sentence.

Accordingly, the appeal is dismissed.

The judgment and the order of conviction and sentence passed by the learned Judge, Special Court, E.C.Act, Murshidabad in the case E.C.Case No. 3 of 1988 is hereby confirmed.

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

If the appellant has not served out the aforesaid sentence, the learned Trial Judge is at liberty to pass necessary order or direction so that the appellant serves out the sentence of the remaining part of the sentence, if any.

The appeal is disposed of accordingly.

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

**(*Rabindranath Samanta, J.*)**