

01.12.2021

CRA 262 of 1989

Court : 35
Item : PB-16
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

D.K. Chakraborty
Vs.
Kailash Nath Pandey & Anr.

Mr. Binay Kumar Panda, Advocate

..... for the State

None appears for the appellant D.K. Chakraborty. None appears for the private respondent Kailash Nath Pandey. Respondent No. 2, State of West Bengal is represented by Mr. Binay Kumar Panda, learned Advocate.

It appears from the case records that all the processes have been exhausted and all endeavours were made by this Court to bring the appellant and respondent no. 1 on record, but to no effect.

Learned lawyer for the State submits that this Court may pass necessary order or direction after going through the case record.

The appellant preferred the instant appeal being aggrieved by the judgement and order passed by the learned Additional Sessions Judge, Second Court, Hooghly whereby the learned First Appellate Court set aside the judgment and order of conviction passed by the learned Sub-divisional Judicial Magistrate, Sreerampur in C.R. Case No. 354 of 1983. By the judgment and order of conviction, the learned SDJM, Sreerampur convicted the respondent no. 1 Kailash Nath Pandey for commission of offence punishable under Section

501(a) of the Bengal Municipal Act, 1932 and sentenced him to fine a sum of Rs.1,000/-, in default to suffer simple imprisonment for one month.

I have read the judgment passed by the learned Additional Session Judge, Second Court, Hooghly passed in Criminal Appeal No. 63 of 1985 by which the conviction recorded by the learned trial Court was set aside.

What I perceive, the judgment of the learned First Appellant Court is based on proper appreciation of the evidence-on-record. I find no illegality or infirmity in the judgment.

In view of the above, the appeal is dismissed. The judgment and order dated May 30, 1988 passed by the learned Additional Sessions Judge, Second Court, Hooghly passed in Criminal Appeal No. 63 of 1985 is hereby confirmed.

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

CRA 262 of 1989 is disposed of accordingly.

(Rabindranath Samanta, J.)