

1.12.2021
sl. 18, ct.35
sk.

C.R.A. 197 of 1990
(Gopal Rana –vs- State of West Bengal)

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

The appellant Gopal Rana has preferred the instant appeal being aggrieved by and dissatisfied with the judgment and the order of conviction passed by the learned Additional Sessions Judge, 1st Court, Midnapore in S.T. No. IV of July, 1989. I find that the despite all the endeavours made by this court, the appellant could not be brought on record.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor submits that this court may pass necessary order, as the court thinks proper after going through the records.

I have minutely read the judgment passed by the learned Judge. It appears from the judgment that the appellant, Gopal Rana and four other accused persons, namely, Basanta Rana, Bhanu Rana, Manorama Rana and Dhiramoni Rana faced the trial before the Trial Judge of the charge under Sections 302/34, Indian Penal Code.

After assessment and appreciation of the evidence, the learned Trial Judge acquitted the accused persons, namely, Basanta Rana, Bhanu Rana, Manorama Rana and Dhiramoni Rana of the charge, but convicted the

appellant, Goppal Rana for commission of the offence punishable under Section 304(part II) of the Indian Penal Code and he was sentenced to suffer rigorous imprisonment for seven years.

What I perceive, the judgment rendered by the learned Trial Judge is based on proper appreciation of the evidence on record.

I find no illegality or irregularity in the judgment and the order of conviction and sentence.

Therefore, the appeal is dismissed.

The judgment and the order of conviction and sentence passed by the learned Trial Judge is hereby confirmed.

It appears from the case records that while the appellant preferred the appeal he was lodged in correctional home.

If the appellant has served out the sentence, he be released forthwith.

However, if he has not served out the sentence with entirety the learned Trial Judge is at liberty to pass necessary order or direction so that the remaining part of the sentence, if any is served by him.

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

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.*)