

01.12.2021

CRA 160 of 1985

Court : 35
Item : PB-04
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

Nemai Ganguly @ Nemai Chand Ganguly
Vs.
The State of West Bengal & Ors.

Mr. Saswata Gopal Mukherjee, Learned Public Prosecutor
..... for the State

The instant appeal has been preferred by the appellant Nemai Ganguly @ Nemai Chand Ganguly being aggrieved by the judgment and order of conviction passed by the learned Additional Sessions Judge, Fourth Court, Alipore, South 24-Parganas.

The respondent/State of West Bengal is represented by Mr. Saswata Gopal Mukherjee, learned Public Prosecutor. It appears that several endeavours were made by this Court to bring the appellant on record. Mr. Mukherjee, learned Public Prosecutor fairly submits that he has no instruction from the State as to further proceeding of the appeal. Learned Public Prosecutor fairly submits that the Court may pass necessary order as the Court deems it proper.

I find that in compliance with an order passed by a coordinate Bench, the Officer-in-charge, New Alipore Police Station submitted a report to this Court that after conducting an enquiry it was found that the appellant left the place 20-25 years ago and nobody could throw any light on his present address. By the judgment dated April 30, 1985, as impugned, the appellant was convicted for commission of offence punishable under Section 307 of the Indian Penal Code and he was sentenced to suffer rigorous imprisonment for five years. From the case

record, it is not found whether the appellant has been released from the correctional home or not. However, if he is not granted bail, the sentence imposed upon him has already been served out by him.

I have minutely read the judgment passed by the learned trial Judge. The appellant/convict faced trial of the charge under Section 307 of the Indian Penal Code. Perusal of the judgment shows that the judgement of the learned trial Judge is based on proper assessment of the evidence adduced before the learned Court.

In view of the above, I find no reason to interfere with the judgment passed by learned trial Judge. The appeal is dismissed

Therefore, the judgement and order of conviction passed by the learned trial Judge in ST No. 1(3) 1985 under Section 307 of the Indian Penal Code is confirmed.

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

If it is found that the convict has been released prior to serving out the entire sentence, the learned trial Judge is at liberty to pass necessary direction upon the convict for serving out the remaining sentence, if any.

CRA 160 of 1985 is disposed of accordingly.

(Rabindranath Samanta, J.)

