

1.12.2021
sl. 5, ct.35
sk.

C.R.A. 259 of 1985
(Netai Chand Dey – vs- State of West Bengal)

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

This appeal has been preferred by the appellant, Netai Chand Dey being aggrieved by the judgement and the order of conviction dated 18th June, 1985 passed by the learned Judge, Special Court, Burdwan in T.R.Case No. 24 of 1985 under Section 7(1)(a)(ii) of the Essential Commodities Act.

It appears from the case record that despite several endeavours were made, the appellant/convict could not be brought on record.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor representing the respondent, State of West Bengal submits that he has no instructions from the State and the Court may pass necessary order as the Court deems fit and proper.

After minutely reading the judgment passed by the learned Trial Judge, I find that the learned Trial Judge after proper appreciation of the evidence on record has rightly convicted the appellant for commission of offence under Section 7(I)(a)9ii) of the Essential Commodities Act.

On further assessment of the evidence on record, I find that the judgement of the learned Trial Judge has been rendered in accordance with law. There is no illegality or infirmity in the judgment. In view of the above, I find no reason to interfere with the judgment and the order of the conviction.

Therefore, the appeal is dismissed on merits.

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

Let a copy of this judgment along with the Lower Court records be sent down to the learned Court below. The appeal is disposed of accordingly.

If the convict has not served out the entire sentence, the learned Trial Judge will pass necessary direction so that the convict serves out the remaining sentence, if any.

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

(Rabindranath Samanta, J.)