

06.09.2021

CRA 8 of 2005

In the matter of : Avijit Porel @ Bhujai.

.... Appellant

The record shows the present appeal is pending since 2005. None appears from the side of the convict/appellant, Avijit Porel @ Bhujai and from the State.

Avijit Porel being aggrieved by the order of conviction passed by the Additional District and Sessions Judge, 9th Fast Track Court, Bichar Bhavan, Kolkata on 30.11.2004 has preferred this Appeal. The Learned Trial Court has been pleased to sentence the appellant/convict to undergo S.I. for five years and to pay a fine of Rs. 1,000/-, in default, further S.I. for six months for committing offence punishable under Section 307, I.P.C.

From the Lay note of Registrar (Judicial Service) dated 13.12.2013 read with Letter dated 12.12.2013 of the Superintendent, Presidency Correctional Home lying in record reveals Appellant/convict Avijit Porel, was released from Presidency Correctional Home on expiry of his sentence getting the benefit of UT set off and fine payment on 29.11.2009.

Further, record shows suo motu rule has been issued against the convict/appellant for enhancement of his sentence on 04.02.2005.

The report of the Superintendent, Presidential Correctional Home shows that the convict/appellant has been released from jail custody after undergoing the sentence imposed against him long back in the year 2009, i.e., almost 12 years ago.

Considering above facts, I find at this stage this appeal has become infructuous and liable to be disposed of.

Let the L.C.R. along with the documents and copy of this order be sent to the trial Court at once.

(Kesang Doma Bhutia, J.)