

03.12.2021

CRA 471 of 1988

Court : 35
Item : PB-01
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

Pradip Barman
Vs.
The State of West Bengal

Mr. Binay Kumar Panda, Advocate
Mr. Sandip Chakraborty, Advocate

..... for the State

None appears for the appellant/convict. It appears that despite issuance of several administrative notices to the appellant and endeavours made by the Court, the appellant/convict could not be brought on record. The conduct of the appellant shows that he is not interested to proceed with the appeal.

Mr. Binay Kumar Panda, learned Advocate appearing for the State of West Bengal submits that the Court may pass necessary order or direction as the Court deems it proper after going through the case record.

The instant appeal has been preferred by the appellant being aggrieved by the judgment and the order of conviction and sentence passed by the learned Additional Sessions Judge, Purulia in Sessions Trial No. 33 of 1988 arising out of Sessions Case No. 48 of 1985.

To put briefly, the prosecution case may be stated as under:-

The appellant Pradip Barman along with three co-accused persons namely Manick Chandra Barman, Lakhikanta Barman and Golam Madni @ Madina Mian kidnapped the

victim woman for illicit purpose. It is alleged that the appellant Pradip Barman sexually ravished the victim woman in the night of May 31, 1982 after taking her forcibly to a nearby riverbed. On such allegations, a case was registered at Naturia Police Station against the accused persons on June 1, 1982 under Sections 363/366/341/323/506/376 of the Indian Penal Code. After completion of the investigation, chargesheet was submitted against the aforesaid accused persons under the aforesaid Sections of the Indian Penal Code.

Ultimately charge was framed against all of them under Sections 363/366/341/323/506/376 of the Indian Penal Code.

The learned Judge on appreciation of the evidence-on-record acquitted the accused persons namely Manik Chandra Barman, Lakhikanta Barman and Golam Madni @ Madina Mian of the aforesaid charges. But the appellant Pradip Barman was convicted for commission of the offence punishable under Section 376 of the Indian Penal Code. By the judgment the appellant was sentenced to suffer rigorous imprisonment for six years and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months.

I have minutely read the judgment of the learned trial Judge. I have waded through the evidence-on-record. I do not find any illegality or irregularity in the judgement and the order of conviction and sentence. In view of the above, I find no reason to interfere with the judgment and the order of conviction passed by the learned trial Judge.

Accordingly, the appeal stands dismissed.

The judgment and the order of conviction passed by the learned Additional Sessions Judge on September 30, 1988 in Sessions Trial No. 33 of 1988 arising out of Sessions Case No. 48 of 1988 is hereby confirmed. The bail bond furnished by the appellant stands cancelled.

The appellant is directed to surrender before the learned trial Judge forthwith. If he fails to surrender before the learned trial Judge to serve out the remaining part of the sentence, the learned trial Judge is at liberty to pass necessary order including issuance of non-bailable warrant of arrest so that the appellant serves out the remaining part of the sentence.

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

CRA 471 of 1988 is disposed of accordingly.

(Rabindranath Samanta, J.)