

04.08.2021
Court No.30
Item Nos
01 & 02
Krishnendu

**C.R.A. No. 765 of 2008
Rabin Mondal
- Vs-
State of West Bengal
With
C.R.A. No. 120 of 2009
Sambhu Mondal & Ors.
- Vs -
State of West Bengal
(Via video Conference)**

Mr. Mayukh Mukherjee

For the Appellant No. 1 in
C.R.A. No. 120 of 2009

Mr. Saswata Gopal Mukherjee, Id. P.P.
Mr. Madhusudan Sur, Id. A.P.P.
Mr. Dipankar Paramanick

For the State in both the
Appeals

The above two appeals have been preferred against the judgment and order passed by the learned Additional Sessions Judge, Fast Track Court No. 1, North 24-Parganas in Sessions Trial No. 3(8) 2005 / Sessions Case No. 9(3) 2005.

Mr. Mukherjee, learned advocate appearing for the appellant no. 1 in C.R.A. No. 120 of 2009, namely, Sambhu Mondal, submits that the said appellant has already served out the sentence and paid the fine. Let the receipt towards payment of fine, as produced, be kept on record.

By an earlier order dated 22nd July, 2021 this Court directed the Superintendent, Dum Dum Central Correctional Home, to file a report as regards the period of imprisonment suffered by the

appellant no.1 in C.R.A. No. 120 of 2009, namely, Sambhu Mondal.

Mr. Sur, learned Additional Public Prosecutor appearing for the State, has placed before us the said report, as called for. Let the same be kept on record.

It appears that the appellant no.1 in C.R.A. No. 120 of 2009, namely, Sambhu Mondal, who was convicted in Sessions Trial No. 3(8) 2005 / Sessions Case No. 9(3) 2005, has already served out the sentence and has also paid the fine and therefore, he cannot be kept in custody.

In view thereof, the appellant no. 1 in C.R.A. No. 120 of 2009, namely, Sambhu Mondal, be released forthwith, if not arrested and/or wanted in any other case, without any bond or surety.

Since Sambhu Mondal has already served out the sentence and paid the fine, nothing survives in the appeal, being C.R.A. No. 120 of 2009, so far he is concerned and, accordingly, the same is dismissed as infructuous because of the reason that the said appellant did not want to pursue his appeal for getting the order of conviction and sentence set aside.

However, the other appellants in C.R.A. No. 120 of 2009, namely, Tapan Mondal @ Sadhu and Samir Mondal and the appellant, namely, Rabin Mondal in C.R.A. No. 765 of 2008, would be at liberty to mention the said appeals for hearing.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Subhasis Dasgupta, J.)
Chakraborty, J.)

(Tapabrata