

03.12.2021
Item no.10
Ct. No.34
AKG

C.R.A. 157 of 2003

**Nalin Rana
Vs.
The State of West Bengal**

Mr. Binay Kr. Panda,
Mr. Subham Bhakat

.....for the State

None appears on behalf of appellant, Nalin Rana.

It appears that despite issuance of several Administrative Notices and all endeavours were made by the Court, the appellant could not be brought on Court.

From the conduct of the appellant, I feel that the appellant is not interested to proceed with the appeal.

Mr. Binay Kr. Panda, learned advocate appearing for the State submits that the Court may pass necessary order, as the Court deems fit and proper after going through the case records.

Being aggrieved by and dissatisfied with the judgment and order of conviction and sentence passed by the learned Additional Sessions Judge, 3rd Court, Midnapore in Sessions Trial Case No. XIII/February/2003 the appellant Nalin Rana has preferred the instant appeal.

The prosecution case, in brief, may be stated as under :-

On 21st February, 1989 in the morning at about 7 p.m. one Ramesh Dolui intimated the informant that the appellant Nalin

Rana murdered his wife Parbati. On the basis of the complaint lodged by the informant Dibakar Nath, at the local Police Station a Gopiballavpur P.S. Case No. 4/89 dated 21/02/1989 under Section 302 of the Indian Penal Code was registered against the appellant for investigation. After completion of the investigation, the Investigating Officer submitted charge sheet against the appellant under Section 302, Indian Penal Code.

Ultimately, charge under Section 302 of the Indian Penal Code was framed against the appellant/accused who pleaded not guilty to the charge.

The learned Trial Judge, on appreciation of the evidence on record altered the charge under Section 302 I.P.C., to the charge under Section 304(Part-II) of the Indian Penal Code and by the judgment as impugned convicted the appellant for commission of the offence punishable under Section 304(Part-II) of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for seven years and to pay a fine of Rs.1,000/-, in default, to suffer simple imprisonment for three months.

I have minutely read the judgment passed by the learned Additional Sessions Judge, 3rd Court, Midnapore. I have also waded through the evidence on record. I find that the judgment passed by the learned trial judge is based on proper assessment and appreciation of the evidence. I find no illegality or irregularity in the judgement. As such, the judgment and the order of conviction and sentence does not call for any interference by this Court.

The judgment and the order of conviction passed by the learned Additional Sessions Judge, 3rd Court, Midnapore in Sessions Trial Case No.XIII/February/2003 is hereby confirmed.

From a report received from the Superintendent, Midnapore Central Correctional Home, I find that the appellant/convict has served out the entire sentence and he was released from the Midnapore Central Correctional Home on 22.01.2009. That being so, no further direction is necessary upon the appellant to serve out any part of the sentence.

In view of the above observation, the appeal being C.R.A. 157 of 2003 is dismissed.

Let the L.C.R. be sent down to the learned Court below alongwith a copy of this order.

(Rabindranath Samanta, J.)