

13.12.2021

Court No.39
Item No.05
(Dismissed)

Akd

CRA 252 of 2004

Monoranjana Jatua & Others.
Vs.
The State of West Bengal

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen.
... for the State.

None appears for the appellants, Monoranjana Jatua and three others. The respondent, State of West Bengal, is represented by Mr. Tanmoy Kumar Ghosh, learned lawyer.

It appears that despite issuance of several Administrative Notices upon the appellants, neither any of the appellants nor their learned Advocate turns up before this Court.

From the conduct of the appellants, I feel that they have no interest to proceed with the instant appeal.

Learned lawyer appearing for the State submits that the Court may pass necessary order as the Court deems it just after going through the case record.

The prosecution case, in a short compass, may be stated as follows:-

One Biman Jatua lodged a written complaint at Mathurapur Police Station, South 24-Parganas, on the allegations that on 29th July, 1994 at about 10-00 a.m. Niranjana Jatua was coming to his land with seedlings through the ailes of the land of the accused persons, Prabhanjana Jatua and Monoranjana Jatua, and then an altercation took place between them. After the altercation Khokan Jatua, who was also there, left for his house and immediately thereafter Khokan Jatua came back to the spot along with Prabhanjana Jatua, Monoranjana Jatua and Tapas Jatua. They came there armed with sharp cutting weapons, i.e. 'Sabal' and 'Katari' and all of them attacked Niranjana Jatua with an intent to kill him. They assaulted Niranjana Jatua with the said weapons on different parts of his body; as a result of which he sustained bleeding

injury on his person. Thereafter the accused persons left the place. Because of the bleeding injuries sustained by him Niranjan Jatua died.

After completion of the investigation, the Investigating Officer submitted the charge sheet against the appellants/accused persons under Sections 304/34 of the Indian Penal Code. Charge under Sections 304/34 of the Indian Penal Code was framed against all the appellants/accused persons, who pleaded not guilty to the charge.

After analyzing and appreciation of the evidence, learned Trial Judge rendered the judgment as above holding all the appellants guilty of commission of offence punishable under Sections 304/34 of the Indian Penal Code. Each of the convicts was sentenced to suffer Rigorous Imprisonment for seven years and to pay a fine of Rs.5,000/-; in default, to suffer Rigorous Imprisonment for one year more.

I have gone through the evidence on record. On further analyzing the evidence on record I find that the learned Trial Judge recorded the findings on proper appreciation of the evidence.

I find no illegality or irregularity in the judgment as impugned.

Therefore, the judgment does not call for any interference by this Court.

In view of the above the appeal is dismissed on merits.

The judgment and order of conviction and sentence passed by the learned Additional Sessions Judge, 12th Court, Alipore, 24-Parganas (South) in Sessions Trial No. 1(11) of 1998 is hereby confirmed.

The bail bonds, if any, furnished by the appellants stand cancelled.

The appellants are directed to surrender themselves before the learned Trial Court to serve out the remaining sentence, if any, forthwith.

If the appellants fail to surrender or appear before the learned Trial Court, the learned Trial Judge will be at liberty to

pass necessary order including the issuance of non-bailable warrant of arrest against the appellants, so that they serve out the remaining part of the sentence.

Let the Lower Court Records be sent down immediately along with a copy of this judgment to the learned Court below.

(Rabindranath Samanta, J.)