

03.08.2021

Item no.14

Ct. No.34

CHC

C.R.R. No.1320 of 2012

(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure.

AND

In the matter of:-

Kashinath Mondal

... petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Arijit Ganguly

...for the State

The present revisional application relates to Criminal Appeal No.19 of 2011, wherein, the learned Additional Sessions Judge, 2nd Court, Nadia, by order dated 20th January, 2012, was pleased to acquit the accused persons from the charges under Sections 417/120B of the Indian Penal Code.

Records reflect that the case originated out of Nakashipara Police Station Case No.27/03 dated 16.02.2003, wherein the learned Magistrate on conclusion of trial was pleased to convict the accused persons and sentence them to pay a fine of Rs.5,000/- each, in default to undergo simple imprisonment for three months for commission of offence under Sections 417/120B of the Indian Penal Code.

On appreciation of the evidence and the provisions of law, the learned appellate court arrived at a present order of acquittal, which has been challenged.

Having regard to the fact that order was passed in the year 2012 and more than nine years have passed, I am of the view that at this belated stage it would be unfair to interfere with the order of acquittal.

Further, the records of the revisional application reflect that same has not been admitted till date. As this revisional application appeared twice firstly, on 14.06.2012 and secondly on 07.09.2012 and on both the occasions the matter was adjourned.

Thus, C.R.R.1320 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)