

03.12.2021
Item no.22
Ct. No.34
AKG

CRA 420 of 2009

**Sk. Hasibur @ Jakir @ Sk. Jakir Ali & Anr.
Vs.
State of West Bengal**

Mr. Binay Kumar Panda
Ms. Puspita Saha

.....For the State

None appears on behalf of the appellants.

It appears that despite several Administrative Notices were sent to the appellants and all endeavours were made by this Court, the appellants could not be brought on record.

From the previous orders passed by this Court, I find that this Court has observed that the appellants are not interested to proceed with the appeal.

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

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

The appellants Sk. Hasibur @ Jakir @ Sk. Jakir Ali and Jahida Bibi have preferred the instant appeal being aggrieved by and dissatisfied with the judgment and the order of conviction and sentence passed by the learned Additional Sessions Judge,

Fast Track Court-II, Uluberia, Howrah in Sessions Trial No. 193 of 2008.

The prosecution case may briefly be stated as under:-

Aslema, the daughter of the informant Sheikh Moin lodged an FIR at Uluberia Police Station to the effect that after the marriage of his daughter Aslema with the appellant no.1 Sk. Hasibur, her husband and her mother-in-law Jahida Bibi, the appellant no.2 herein, subjected her to cruelty on the demand for Rs.20,000/- and other articles. Unable to bear with the torture meted out to her by the appellants, his daughter Aslema was compelled to commit suicide.

On the basis of the FIR lodged by him one Uluberia P.S. Case No.232 of 2006 under Section 498A/304B/34 IPC was initiated against the appellants for investigation. After completion of the investigation, the Investigating Officer submitted a charge sheet under Sections 498A/304B/34, IPC against each of them.

Ultimately charge under Sections 498A/304B/34 of the Indian Penal Code was framed against the appellants who pleaded not guilty to the charge.

The learned Trial Judge after analyzing the evidence on record found the appellants guilty for commission of the offences as above. By the judgment, the appellant no.1 Sk. Hasibur was sentenced to suffer rigorous imprisonment for seven years and to pay a fine of Rs.1000/-, in default, to suffer S.I. for a further period of two months for the offence under Sections 304B/34, IPC. He was also sentenced to suffer R.I. for one year and to pay a

fine of Rs.500/-, in default to suffer S.I. for fifteen days for the offence punishable under Section 498A, IPC. Similarly, the appellant no.2 Jahida Bibi was also sentenced to suffer same term of imprisonment as it was awarded to the appellant no.1.

I have minutely read the judgment rendered by the learned trial Judge. I have also waded through the evidence on record.

After analyzing the evidence on record, I find that the findings recorded by the learned Trial Judge are 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.

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, Fast Track Court-II, Uluberia, Howrah in Sessions Trial No. 193 of 2008 is hereby confirmed. The bail bond, if any, furnished by the appellants stand cancelled.

The appellants are directed to surrender before the learned Trial Court to serve the remaining part of the sentence forthwith. If the appellants fail to surrender before the learned Trial Court, the learned Trial Court shall pass necessary order including issuance of non-bailable warrant of arrest so that the appellants serve out the remaining part of the sentence.

In view of the above observation, the appeal being CRA 420 of 2009 is dismissed.

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

(Rabindranath Samanta, J.)