

02.12.2021

Court No.35
Item No.08
(Disposed of)

Akd

CRA 307 of 2002

Tarak Mondal
Vs.
Stgate of West Bengal

Mr. Binay Kumar Panda,
Mr. Subham Bhakat.

... for the State.

None appears for the appellant, Tarak Mondal.

It appears that despite several opportunities given to the appellant, he did not turn up before this Court either in person or through his learned Lawyer. From the conduct of the appellant, I feel that he is not interested to proceed with the instant appeal.

Mr. Binay Kumar Panda, learned Advocate, appearing for the State submits that the Court may pass necessary order or direction as the Court deems just after going through the case records.

This appeal has been preferred by the appellant, Tarak Mondal, being aggrieved and dissatisfied with the judgement and order of conviction and sentence passed by the learned Additional Sessions Judge, 3rd Fast Track Court, Alipore, 24-Parganas (S) in Sessions Trial Case No. 13(2) of 2002 arising out of Sessions Case No. 111 (8) of 2001.

To put briefly, the prosecution case is as follows:

On 15th June, 2021 at about 1-30 P.M. the appellant, Tarak Mondal, along with another convict, Jay Gopal Dutta, entered into a grocery shop under the name and style "Mahabir Trading Company" situated at 33B, Pratapaditta Road and tried to loot away the wooden cash box of the said shop. The shopkeeper, Mahabir Prasad, voiced protest and then they taking out the firearm assaulted him on his head with the butt of the firearm. After he raised alarm, the convicts fled-away from the scene of occurrence.

On the basis of the First Information Report lodged by the informant, Mahabir Prasad, Tollygunge P.S. Case No. 151 dated

15th June, 2001 was registered for investigation. After completion of investigation chargesheet was submitted under Sections 394/397 of the Indian Penal Code. Charge was framed by the learned Trial Judge for the aforesaid offences.

After consideration of the evidence on record, the learned Trial Judge by the judgement dated 14th August, 2002 held the appellant, Tarak Mondal, and another accused, Jay Gopal Dutta, guilty for commission of offence punishable under Section 394 of the Indian Penal Code, but they were acquitted of the charge under Section 397 of the Indian Penal Code. Each of them was sentenced to suffer Rigorous Imprisonment for 5 (five) years and to pay a fine of Rs.2,000/-; in default, to suffer Rigorous Imprisonment for three months.

After analysing the evidence on record, I do not find any illegality or irregularity in the judgement and order of conviction and sentence passed by the learned Judge.

In view of the above, the appeal is dismissed.

The judgement and the order of conviction and sentence passed by the learned Additional Sessions Judge, 3rd Fast Track Court, Alipore, 24-Parganas (S) in Sessions Trial Case No. 13(2) of 2002 arising out of Sessions Case No. 111(8) of 2001 is hereby confirmed.

The bail bond furnished by the appellant stands cancelled.

The Learned Trial Judge is directed to issue non-bailable warrant of arrest against the appellant for the purpose of serving out the remaining part of the sentence by him.

The appeal is disposed of, accordingly.

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

(Rabindranath Samanta, J.)