

03.12.2021
Item no.18
Ct. No.34
AKG

CRA 337 of 2007

**Smt. Chanchala Kumar
Vs.
The State of West Bengal**

Mr. Binay Kr. Panda,
Ms. Puspita Saha

.....for the State

None appears on behalf of appellant, Smt. Chanchala Kumar.

It appears that despite issuance of several Administrative Notices upon the appellant and all endeavours were made by this 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 or direction, as the Court deems fit and proper after going through the case records.

Being aggrieved by and dissatisfied with the judgment and the order of conviction and sentence passed by the learned Additional District & Sessions Judge, Fast Track Court, Court No.1, Purulia in Sessions Trial Case No. 6 of 2006 arising out of Sessions Case No.93 of 2006 the appellant has preferred the instant appeal.

The prosecution case may briefly be stated as under:-

On 29th April, 2003 at about 9 p.m. an altercation took place between Mohan Kumar and his wife Smt. Chanchala Kumar and the informant Niranjana Kumar and his wife Gandhari Kumar. Amid such altercation the appellant, Smt. Chanchala Kumar threw acid at the face of the informant's wife Gandhari Kumar and as a result of which she sustained ghastly injury on her face.

On the basis of the F.I.R. lodged at the local police station a Balarampur P. S. Case No.18 of 2003 dated 30th June, 2003 under Section 307 of the Indian Penal Code was registered for investigation. After completion of the investigation, the Investigating Officer submitted a charge-sheet under Section 307 of the Indian Penal Code.

Ultimately charge under Section 307 of the Indian Penal Code was framed against the appellant/accused who pleaded not guilty to the charge.

The learned Trial Judge after appreciation of the evidence on record convicted the appellant for commission of the offence punishable under Section 307 of the I.P.C. and sentenced her to suffer R.I. for five years with a fine of Rs.6,000/-, in default, to suffer R.I. for a further period of three months. The Court also directed that out of the fine amount Rs.5,000/- would be given to the victim lady.

I have minutely read the judgment passed by the learned Additional Sessions Judge, Fast Track Court, Court No.1, Purulia. 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.

The judgment and order of conviction and sentence passed by the learned Additional Sessions Judge, Fast Track Court, Court No.1, Purulia in Sessions Trial Case No. 6 of 2006 arising out of Sessions Case No.93 of 2006 is hereby affirmed. The bail bond, if any, furnished by the appellant stands cancelled. The appellant is directed to surrender before the learned Trial Court to serve the remaining part of the sentence forthwith. If the appellant fails 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 appellant serves out the remaining part of the sentence.

In view of the above observation, the appeal being CRA 337 of 2007 is dismissed.

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

(Rabindranath Samanta, J.)