

13.12.2021

CRA 314 of 2000

Court : 39
Item : PB-03
Matter : CRA
Status : DISPOSED OF
Transcriber: NANDY

Satyendra Kumar Roy
Vs.
Polly Ghatak

None appears for the appellant Satyendra Kumar Roy.
None appears for the respondent Mrs. Polly Ghatak.

It appears that despite service of administrative notices upon the parties and representation of the appellant by a learned Advocate on September 16, 2021, none of the parties appears before the Court today.

The instant appeal has been preferred by the appellant/ complainant namely Satyendra Kumar Roy being aggrieved by the judgment and order of acquittal passed by the learned Metropolitan Magistrate, Calcutta in Case no. C-1980 of 1989 under Section 500 of the Indian Penal Code.

The appellant assails the impugned Judgment and the order on the ground that the learned Magistrate passed the order erroneously and without appreciation of evidence.

The appellant who was the complainant in the aforesaid complaint case brought the case against the respondent Mrs. Polly Ghatak on the following allegations :- The complainant was a Income Tax Officer and was posted in District 13(7) at Poddar Court. The respondent was an Upper Division Clerk in the Income Tax Department but was transferred to Ayakar Bhawan of Budget & Statistics Section. The husband of the respondent was also a Clerk in the Income Tax Department

and was posted at District 11(1) at Bamboo Villa. By way of transfer, the complainant was posted at the office of CIB Department under Budget and Statistics Section under the Deputy Commissioner of Income Tax. The respondent/accused then requested the complainant/ appellant to recommend her transfer from her present place of posting to the place of posting where her husband was posted. But the complainant expressed his inability to recommend such transfer. Because of this, both the respondent and her husband fostered grudge against the complainant. Even they, out of grudge assaulted and threatened the complainant, as a result of which he had to file two complaints, 1) under Section 323 of the Indian Penal Code and 2) under Section 507 of the Indian Penal Code. They did not stop there. The respondent made derogatory and defamatory statements against the complainant, by which his dignity became lowered down to the public. On such derogatory statement, the complainant filed the aforesaid complaint/case.

I have minutely gone through the judgment passed by the learned trial Court. I have also gone through the evidence-on-record.

On analyzing the evidence-on-record, I find that the learned trial Judge passed the judgment on proper appreciation of the evidence. What I find, the judgment does not suffer from any illegality or irregularity. Therefore, the judgment and the order of acquittal do not call for any interference by this Court.

In view of the above, the Criminal Appeal is dismissed on merit.

The judgment and the order of acquittal passed by the Metropolitan Magistrate, Fifteenth Court, Calcutta in Case No. C-1980 of 1989 is hereby confirmed.

Send down the Lower Court Record along with a copy of this order to the learned Court below.

CRA 314 of 2000 is disposed of accordingly.

(Rabindranath Samanta, J.)