

02.12.2021

Court No.35
Item No.09
(Disposed of)

Akd

CRA 374 of 2002

Nemai Das
Vs.
The State of West Bengal

Mr. Binay Kumar Panda,
Ms. Puspita Saha.

... for the State.

None appears for the appellant, Nemai Das.

It appears that despite several opportunities given to the appellant, he neither turned up before this Court in person nor through any Lawyer.

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, Nemai Das, being aggrieved by and dissatisfied with the judgement and order of conviction and sentence passed by the learned Additional Sessions Judge, Katwa in Sessions Trial Case No. 17 of 2000 arising out of Sessions Case No. 3 of 2000.

The facts of prosecution may be summarized as under:

On 11th April, 1995 at about 10-00 a.m. while the prosecutrix (P.W. 1), who is deaf and dumb was returning from field along the road by the side of the house of one Badal Das, then the appellant/convict, Nemai Das, called her by a mute signal. Responding to such mute signal she came to a cowshed, where the appellant was there. The appellant suddenly embraced her and tried to violate her chastity. On such allegation, a charge under Section 376/511 of the Indian Penal Code was framed against the appellant/convict.

By the judgement dated 31st August, 2002 as impugned, the learned Trial Judge held the appellant guilty for commission of the offence punishable under Section 354 of the Indian Penal Code and sentenced him to suffer Rigorous Imprisonment for six months and to pay fine of Rs.1,000/-; in default, to suffer

Rigorous Imprisonment for a further period of one month. The amount of fine, if realized, would be paid to the prosecutrix.

I have minutely read the judgement passed by the learned Trial Judge. I have waded through the evidence on record. What I feel, the findings recorded by the learned Trial Judge are based on proper appreciation of evidence. I do not find any illegality or irregularity in the judgement.

In view of the above, the appeal is dismissed.

The judgement and order of conviction and sentence passed by the learned Additional Sessions Judge, Katwa in Sessions Trial Case No. 17 of 2000 arising out of Sessions Case No. 3 of 2000 is hereby confirmed.

The bail bond furnished by the appellant stands cancelled.

Learned Additional Sessions Judge, Katwa is directed to issue non-bailable warrant of arrest against the appellant/convict for serving out the remaining part of the sentence by him.

Thus, the appeal is disposed of.

Let the Lower Court Records be sent down along with a copy of this order to the learned Trial Court forthwith for information and compliance.

(Rabindranath Samanta, J.)