

29.06.2021

Item no.1

Ct. No.34

CHC

**C.R.A. No.455 of 2018**  
**IA NO: CRAN/2/2019 (Old No: CRAN/3536/2019)**  
**CRAN/3/2021**

**(Through video Conference)**

In Re: An application under Section 374 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Anarul Hoque @ Sk.

... appellant

Mr. Dipayan Kundu,

Mr. Avinaba Patra

...for the appellant

Ms. Faria Hossain

...for the State

The present appeal has been preferred against the judgement and order of conviction and sentence dated 16.05.2018 and 17.05.2018, passed by the learned Additional District and Sessions Judge, 5<sup>th</sup> Court, Malda, wherein the learned court was pleased to convict the appellant for offence punishable under Section 489C of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for five years and to pay a fine of Rs.10,000/- in default to suffer rigorous imprisonment for six months.

The impugned judgment reflects that the petitioner was arrested on 30<sup>th</sup> June, 2016 and through out the trial and during

the pendency of the appeal the appellant was in custody. As such, the period of five years have expired in the meantime.

Learned advocate appearing for the appellant submits that as the appellant has served out the sentence imposed by the learned trial court, he may be allowed to deposit the amount of fine so imposed in connection with the instant case and thereafter be released.

In view of the prayer advanced by the appellant, State has no submission to be made on the merits of the case. The appellant may be allowed to deposit the amount of fine and thereafter, be released, if he is not wanted in any other case.

With the aforesaid observations, Criminal Appeal being C.R.A.455 of 2018 is disposed of. All pending applications are consequently disposed of.

Lower Court Records may be directed to be sent back forthwith to the learned court below.

The department is directed to communicate this order to the learned trial court.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

**(Tirthankar Ghosh, J.)**