

12.08.2021
S.D.
05.

CRA 658 of 2016
With
CRAN 1 of 2017 (Old CRAN 3151 of 2017)
(Through video conference)

In Re: - An Appeal under Section 374(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: **Jamal Sk. @ Jamal Sekh**

....Appellant.

Mr. Musharraf Alam SK

...For the Appellant.

Mr. Iqbal Kabir

...For the State.

I have heard Mr. Musharraf Alam SK., learned Advocate on record for the appellant who submits that the appellant has served out the sentence as awarded by the learned Additional Sessions Judge, 2nd Court, Malda in Sessions Trial No. 61 of 2014 corresponding to Sessions Case No. 225 of 2014 arising out of Malda Police Station Case No. 133 of 2014 dated 3.4.2014 under Section 376 (2)(i) of the IPC and Sections 4/6/8/12 of the POCSO Act registered as POCSO Case No. 53 of 2014.

Mr. Iqbal Kabir is representing the State in this particular case.

Upon hearing the learned Advocates for both the parties, let the appeal be admitted having considered the averments made in the application for condonation of delay of 29 days filed under Section 5 of the Limitation Act.

Thus, the Application being CRAN 1 of 2017 (Old CRAN 3151 of 2017) is disposed of.

Since Mr. Iqbal Kabir, learned Advocate is present on behalf of the State, there is no requirement for the usual notice to be issued. However, upon hearing the learned Advocate on record for the appellant, since the appellant has already served out sentence and has been released from the correctional home, the matter is taken up for consideration.

The brief facts leading to this appeal is that complainant Washed Khan lodged a complaint to the effect that on 03.04.2014 at about 6.00 pm in the evening his grand-daughter Ashika Khatun could not be found in the house and on due search he found Ashika at Moktab room in the Masjid of village Kajidara in compromising condition and they asked Ashika and learnt from her that accused Jamal SK. raped her and it was about 7.00 pm, as a result Ashika became ill and she was taken to Moulpur B.P.H.C. and seeing her condition serious the doctor referred her to Malda Medical College & Hospital where she got admitted and treated.

Having gone through the judgment and in consideration of the evidence of the witnesses including the victim girl, this Court finds that there is no ground for appeal.

Hence, the appeal being CRA 658 of 2016 is dismissed affirming the judgment and sentence impugned.

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

(Shivakant Prasad, J.)

