

23.08.2021
Sl. No.20

Court No.42
BM

CRA 678 of 2014

Goutam Middya @ Gua
Vs.
The State of West Bengal
(Via Video Conference)

Mr. Amal Krishna Samanta ... for the appellant

Mr. Arijit Ganguly
Mr. Avik Ghatak
Mr. Pratik Bose ... for the State

The Judgement and Order dated 19.09.2014 and 20.09.2014 respectively passed by the learned Additional District & Sessions Judge, 2nd Court, Tamluk, Purba Medinipur is under challenge whereby and whereunder the appellant was convicted and sentenced for the charges under Section 376(2)(f)/511 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for five years and with fine of Rs.4,000/- in default to simple imprisonment for one and half year with direction to set off the period of pretrial detention undergone by the appellant from the substantive period of punishment. Grounds taken in the appeal, inter alia, is that there are contradictions in the statement of the witnesses made under Section 161 of the Code of Criminal Procedure with the evidence adduced before the court. The father of the victim and the prime witnesses were all declared hostile. It is also in the ground that version in the First Information Report and her statement before the learned court and the statement of the victim are departure from

each other. The case was lodged out of grudge due to long standing civil dispute. Moreover, the medical report and also the statement of Doctor did not support the prosecution case.

Having considered the impugned judgement, evidence of the PW-2, victim in particular and the evidence recorded under Section 164 of the Code of Criminal Procedure and other material on record, this court does not find any ground of appeal in the matter. Accordingly, the judgement impugned is hereby affirmed. Now upon hearing the learned advocate for the party including the appellant, this court finds from the report of the Superintendent, Midnapore Central Correction Home dated 31.07.2021 that the convict appellant was released on 13.04.2020 after expiry of his substantial sentence and fine. The appellant have got the benefit of UT set off and remission period in connection with the said case. Therefore, the appeal be accordingly decided and dismissed.

This appeal being CRA 678 of 2014 is, thus, dismissed.

Let LCR together with a copy of this order be sent to the learned Trial Court for necessary note in the Sessions Register and for doing the needful and send a copy of this order to the Superintendent Correctional Home too.

(Shivakant Prasad, J.)