

C.R.A. 140 of 1987
Beloara Begum
Vs.
Chawkat Mondal & 4 Ors.

Mr. Narayan Prasad Agarwal
Mr. Pratik Bose

...For the State

None appears on behalf of the appellant, Beloara Begum.

None appears for the private respondents. The respondent No. 6 State of West Bengal represented by Mr. Narayan Prasad Agarwal, learned Advocate along with Mr. Pratik Bose, learned Advocate.

The appointment of Mr. Agarwal and Pratik Bose be regularized.

It appears from the office report that administrative notice has been served upon the appellant, Beloara Begum and the respondent Nos. 1 and 5, namely, Chawkat Mondal and Md. Rafique. But, administrative notice could not be served upon the respondent Nos. 2, 3 and 4, as they have already expired. On the demise of the respondent Nos. 2, 3 and 4, namely, Sk. Majed Muk, Altaf Hussain and Sajjat Ali, the appeal has abated as against them.

Despite service of administrative notice upon her, the appellant has failed to turn up before this Court.

So I feel that the appellant is not interested to proceed with the appeal.

The instant appeal has been preferred by the appellant being aggrieved by and dissatisfied with the judgment and order of acquittal passed by the learned Judicial Magistrate, Serampore in C.R. No. 143 of 1983.

The appellant, Beloara Begum filed a complaint in the Court of the learned Judicial Magistrate on the allegations that on February 21, 1983, the respondents, who were arraigned as the accused persons of the case trespassed into her house and pressed her to withdraw a criminal case pending between them. On a refusal to withdraw the case the respondents assaulted her with fist and blows.

What I find from the impugned judgment and materials on record, the learned Judicial Magistrate upon consideration of the evidence found the private respondents not guilty of the offence and accordingly he acquitted the respondents of the offence as alleged in the complaint.

After reading the impugned judgment and after going through the materials on record I find that the judgment and order of acquittal as passed by the learned Judicial Magistrate is based on proper appreciation of evidence.

Accordingly, I do not find any illegality or infirmity in the judgment.

In view of the above, the appeal is dismissed.

The judgment and order of acquittal dated December 19, 1986 passed by the learned Judicial Magistrat, Serampore, Hooghly in C.R. No. 143 of 1983 is hereby confirmed.

Send back the relevant case records to the learned Court below immediately along with the copy of this order.

(*Rabindranath Samanta, J.*)