

13.05.2022

Item No.24
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION**

C.R.A. 272 of 1985

**Ramendra Nath Manna
versus
Ganesh Chandra Mondal**

Mr. Saryati Datta ... For the Appellant.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

Records of this appeal reflect that the accused Ganesh Chandra Mondal was acquitted of the charges under Section 420 of the Indian Penal Code and being aggrieved, the present appellant approached this Court under Section 378 of the Code of Criminal Procedure. This Court was pleased to admit the appeal after granting special leave on 26.07.1985.

As none appeared on behalf of the appellant, Mr. Saryati Datta, learned advocate, empanelled with High Court Legal Services Authority is directed to represent the appellant. His appointment may be regularized by the concerned authorities.

None appeared on behalf of the State. As such, Mr. Arijit Ganguly, learned advocate, who ordinarily appears for the State, is directed to appear in this matter and represent the State. His appointment may be regularized by the concerned authorities.

Record reflects that on umpteen occasions, the department made efforts for communicating with the concerned parties and it reflects that the last of the report

dated 27.11.2018 so prepared by the Superintendent (Criminal Section), High Court (A.S.), Calcutta is that the appellant has left the address and the respondent expired during the pendency of this appeal.

I have considered the reasons assigned by the learned Judicial Magistrate which reflects that the P.W.-1 and P.W.-2 were fully aware regarding the preparation of the documents and that the property belonged to a minor and being aware regarding the same compelled the respondent/accused Ganesh Chandra Mondal to execute such documents. The court thereafter considering the evidence and the surrounding circumstances was of the opinion that the prosecution has failed to prove its case under Section 420 of the Indian Penal Code against the respondent/accused Ganesh Chandra Mondal.

Having regard to the reasons so assigned by the learned trial court for acquitting the respondent, I am of the opinion that no interference is called for in respect of the judgment and order dated 17.12.1984 passed by learned Judicial Magistrate, 4th Court, Alipore in Complaint Case No. C-4250 of 1978 (T.R. Case No. 620 of 1979).

Accordingly, the appeal being CRA 272 of 1985 is dismissed.

Lower court records be sent down to the learned court below immediately.

Department is directed to communicate this order to the learned court below.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)