

C.R.A. 251 of 1990

**Sushama Biswas
Versus
Naba Kumar Biswas & Ors.**

None appears for the appellant.

None appears for the respondents.

It appears that despite service of administrative notice upon the parties, nobody has turned up before the Court.

I feel that the parties are not interested to proceed with this appeal.

This appeal has been preferred by the appellant against the judgment and the order of acquittal passed by the learned Judicial Magistrate, Bongaon, North 24-Parganas, in Cr. Case No.609 of 1976 (T.R. No.655 of 1977) under Sections 494/109 of the Indian Penal Code.

The appellant, Sushama Biswas filed a complaint in the court of learned Judicial Magistrate, Bongaon, North 24-Parganas on the allegations that during subsistence of her marriage with the respondent no.1, Naba Kumar Biswas, he married another woman, namely Latika @ Lalita Biswas. She alleges that the other respondents abetted the commission of offence of bigamy by the respondent no.1.

Perusal of the judgment passed by the learned Judicial Magistrate shows that the learned Magistrate after scrutinizing and assessment of the evidence on record acquitted the accused

persons of the charge of bigamy and abetment of the same under Sections 494/109 of the Indian Penal Code.

As stated above, despite several opportunities being given to the parties, the parties did not show any interest to proceed with the appeal.

Under such circumstances, this Court after considering the pendency of the appeal since 1990 proceeds to analyse the evidence on record to come to a finding whether the learned Magistrate was justified in passing the judgment.

I have gone through the evidence as adduced by the appellant before the learned trial court. I find that the findings as recorded by the learned trial court are in consonance with the evidence on record.

In view of the above, I do not find any justification to differ with the findings recorded by the learned trial court.

I think that there is no merit in the appeal and accordingly the appeal is dismissed.

The judgment and the order of acquittal passed by the learned Judicial Magistrate, Bongaon, North 24-Parganas in Cr. Case No.609 of 1976 (T.R. No.655 of 1977) is hereby confirmed.

Send down the L.C.R. along with the copy of the judgment to the learned court below for information.

Urgent photostat certified copy of this judgment, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Rabindranath Samanta, J.)