

02.09.2022

BMJR

12

CRA 370 of 1989

**Anil Sadhukhan
Vs.
The State of West Bengal**

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

For the State

The instant appeal is pending since 1989. Before hearing of this appeal an administrative notice was issued upon the appellant but it was reported by the Department that notice has been duly served upon the appellant. In spite of service of notice the appellant did not appear on earlier occasions as well as today.

Considering the long pendency of the appeal I think, it would be prudent to dispose of the appeal today itself on hearing the same on merit. So, the record is taken up for passing judgment.

State is represented by Mr. Narayan Prasad Agarwala and Mr. Pratick Bose, learned advocates.

Heard learned advocate at length. It appears that the instant appeal has been preferred against the order of conviction under Section 7(i) (a)(ii) of the Essential Commodities Act, 1955 as amended up-to-date, for contravention of paragraph 3(1) and 3(2) of West Bengal Imported Vegetable Oils (Prohibition of unauthorized sale) order 1984 and sentence of rigorous imprisonment for one year and to pay a fine of Rs.2,000/- in default, to suffer further rigorous imprisonment for six months as imposed on the appellant

by the Learned Judge, Special Court (E.C Act), Hooghly, by his judgment and order dated 22.8.1989, passed in Special Court Case No.222 of 1987.

I have perused the impugned judgment passed by the learned Court below. During pronouncing the judgment learned Court below has formulated three points for determination and the points were categorically explained in the judgment itself. After perusing the judgment it appears to me that the judgment has not suffered any illegality or impropriety. It further appears to me that this is a speaking judgment and convicted person/appellant had no benefit of doubt in their favour in the present case. Accordingly, I find no merit in the instant appeal. Hence, the instant appeal appears to me not meritorious and it is dismissed. The impugned order and judgment of conviction dated 22.08.1989 passed by the learned Judge, Special Court, E.C Act, Hooghly in S.C case No.222 of 1987 is hereby affirmed.

As the appellant/convict is not represented, the CJM Hooghly is directed to issue warrant of arrest to the appellant for his production to serve out the sentence.

Let a copy of this order be sent to the learned CJM, Hooghly through learned District & Sessions Judge, Hooghly for appropriate compliance.

Accordingly, the appeal is disposed of.

(Subhendu Samanta, J.)