

IN THE HIGH COURT AT CALCUTTA
APPELLATE SIDE

Present:

The Hon'ble Justice Ananda Kumar Mukherjee

C.R.A. 528 of 2001

Pran Krishna Das @ Karan Singh
Vs.
The State of West Bengal

For the Appellant : Mr. Subham Kanti Bhakat (Amicus Curiae)

For the State : Mr. Binoy Panda, Adv.
Mr. Pratick Bose, Adv.

Heard on : 31.01.2022

Judgment on : 31.01.2022

Ananda Kumar Mukherjee, J:-

1. Instant Jail appeal has been filed by the appellant under section 383 of Cr. P.C. being aggrieved and dissatisfied with the judgment and order dated 07.07.2001 convicting the accused/ appellant under section 307 of the Indian Penal Code and sentencing him to Rigorous Imprisonment for seven years and to pay fine of Rs.1,000/-, i.d., to suffer R.I. for six months, passed by Learned Additional Sessions Judge, 1st Court, Barasat, North 24 Parganas in Sessions Trial No.4(6) of 2000. The memo of appeal has been forwarded by the superintendent of the Dumdum Correctional Home.

2. Since the convict has never appointed any Advocate, Mr. Subham Kanti Bhakat, learned advocate who is in the State panel is appointed as Amicus Curiae to represent the appellant case before this Court for proper adjudication.

3. The prosecution case in brief is that on 07.10.1999 at 2:30 p.m. Bhola Nath Bhattacharjee, the defacto complainant learnt from his elder brother and Parul Baidya the cook of their house that on 07.10.1999 at 2:15 p.m. accused Pran Krishna Das @ Karan Singh came to their house and entered the store room. When the elder brother of Bhola Nath Bhattacharjee proceeded towards him the accused assaulted him with Bhojali on his head, forehead, both shoulders and buttack causing bleeding injury. When the cook, Parul Baidya the wife of the appellant came out she was also assaulted by the with the Bhojali causing bleeding injury. It was disclosed by Parul Baidya that her husband had come there to murder them as she had quarrel with him on the previous day. Local boys rushed and apprehended the accused. On the basis of a First Information Report, Barrackpore Police Station Case No.65 dated 07.10.1999 under Section 326/307 of the Indian Penal Code was started against accused, Pran Krishna Das @ Karan Singh. Charge-sheet was submitted against the accused/appellant under Section 326/307 of the Indian Penal Code. Charge was framed under Section 448/326/307 of

the Indian Penal Code. The accused person pleaded not guilty to the charge and claimed to be tried.

4. In order to prove the charge, prosecution examined 11 witnesses, including Bhola Nath Bhattacharjee, Parul Baidya, Dr. Isita Bandhopadhyaya, Dr. Milan Kanti Modak and the Investigating Officer. Documents were exhibited as Exhibit 1 to Exhibit 6/1 and Alamats as Mat as Exhibit I to IV. The accused person was examined under Section 313 of the Criminal Procedure Code. No defense witness has been examined. On conclusion of trial, accused persons was found guilty of the charge under Section 307 of the Indian Penal Code and found not guilty of the offence under Section 448/326 of the Indian Penal Code. Accordingly, the accused/appellant was convicted for the offence under Section 307 and sentence to suffer rigorous imprisonment for seven years and to pay fine of Rs.1,000/-, i.d. to suffer R.I. for six months.

5. The convict while in jail preferred an appeal which was forwarded by the Superintendent, Dum Dum Central Correctional Home, Calcutta. It was contending inter alia that the witnesses are interested and no reliance should be placed on the same for conviction.

6. The appeal is on board for hearing, learned Amicus Curiae for the appellant submitted that a report was called for from the Superintendent, Dum Dum Central Correctional Home about the status of the convict/appellant and in compliance thereof it has been reported

that the convict has served the period of his sentence with necessary remissions and was released on 27.10.2006. It is further submitted that there is no evidence on record to establish the guilt of the convict as such the conviction should be set aside.

7. Learned advocate for the State submits that there is no illegality in the impugned judgment passed by the Learned Sessions Judge in convicting and sentencing the appellant and the appeal merits dismissal.

8. Having considered the materials of the Trial Court record and the impugned judgment, I find that the learned Sessions Judge has appreciated the evidence on record in its true perspective and spirit and on the basis of cogent and consistent evidence has convicted the appellant for the offence under Section 307 of the Indian Penal Code. It further appears that the convict, Pran Krishna Das @ Karan Singh has served his entire period of sentence and has already been released from Dum Dum Central Correctional Home on 27.10.2006.

9. Therefore, I find and hold that there is nothing to interfere with the impugned judgment of conviction and sentence.

10. The appeal preferred by the appellant has no merit and the same is dismissed on contest.

11. Let a copy of this judgment alongwith Lower Court Record be returned to the Learned Additional District and Sessions Judge, 1st Court, Barasat, North 24 Parganas for information.

12. Urgent photostat certified copies of this Judgment may be supplied to the learned advocates for the parties, if applied for, upon compliance of all formalities.

(Ananda Kumar Mukherjee, J.)

K.S.