

Court No. 40
Item 29
Ali
28.7.2022

CRR 3545 of 2012

IA No. CRAN/1/2012 (Old No. CRAN/3779/2012)

**Ram Swarup Prasad.
Vs.
The State of West Bengal**

In Re: An application under Section 401 read with
Section 482 of the Code of Criminal Procedure.

Mr. Manjit Singh
Mr. Syed N. Aejaaz
Mr. B. Mal

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mirza Firoj Ahmed Begg.

....for the State.

The instant revisional application is filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 challenging the Judgement and Order dated 12.09.2012 passed in Criminal Appeal No. 75 of 2008 by the Learned Additional Sessions Judge, 6th Fast Track Court, Kolkata.

The petitioner was convicted for offence punishable under Section 120B and ordered to suffer Rigorous Imprisonment for a period of three years and to pay fine of Rs.5,000/- and he was also sentenced with the same under Section 471 of the Indian Penal Code in connection with GR Case No. 2663 of 1995, being TR No. 454 of 1995 under Sections 120B/192/193/420/467/468/471 of the Indian Penal Code. The petitioner was so convicted in a prosecution lodged by the Central Bureau of Investigation.

Against the impugned Judgement an appeal was preferred being Criminal Appeal No. 75 of 2008 in the Court of

City Sessions Court, Calcutta, wherefrom the matter was transferred to the Court of 6th Fast Track Court, Kolkata.

In terms of impugned Order No. 46 dated 12.09.2012 the appellate court without assigning in iota of reason dismissed the appeal on contest.

Mr. Singh appearing for the petitioner submitted that such an unreasoned order cannot be sustained and the matter may be remanded to the 1st Appellate Court for fresh hearing.

Mr. Chowdhury, learned Counsel appearing for the State did not raise any objection and candidly admitted that the impugned appellate judgement is devoid of any reason or rationality.

It is settled rule that the Court while disposing of an appeal against conviction, must pass a reasoned order taking into consideration material evidences of the case, as well as the applicable law concerned. It is travesty of justice in case a cryptic order is passed dismissing an appeal against an order of conviction without any reason or rationality. It is aberration of justice which cannot be allowed to stand.

Therefore, the impugned Order No. 46 dated 12.09.2012 passed in Criminal Appeal No. 75 of 2008 by the 6th Fast Track Court, City Sessions Court, is for the reasons stated above, set aside. The matter is remanded to the first Appellate Court for hearing afresh and to pass reasoned order after giving opportunities to both the parties to represent their respective case, without undue delay and adjournment.

The first appellate Court shall dispose of the appeal within a time frame of three months from the date of receiving of this order without giving any undue adjournment.

LCR be returned alongwith a copy of this order.

The present petition along with all connected applications also stand disposed of.

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

(Sugato Majumdar, J.)