

18.09.2023
Sl. No.5
akd

C. R. A. 39 of 2018

In Re: ***Narayan Santra***

... .. Appellant

1. Report is placed on record. From the report it appears CRA 39 of 2018 preferred by the appellant has been disposed of by the judgment and order dated 28.03.2023. Order was communicated to the office of the learned Additional Sessions Judge, 3rd Court, Tamluk, Purba Medinipur through speed post bearing Memo No. 712 Cr.(I).
2. In spite of communication of the judgment and order, the same had not been forwarded to the correctional home. Accordingly, appellant was unaware of the disposal of the appeal. Vide Memo No.7091 dated 28.08.2023, he made a petition that he may be permitted to withdraw the appeal and deposit the fine.
3. Section 388 of the Code of Criminal Procedure, inter alia, provides when a case is decided in appeal by a High Court in appeal, its judgment and order shall be certified to the court concerned whose order had been appealed against. Thereupon the said court is required to pass necessary orders in conformity with the judgment and order delivered by the High Court and amend the record accordingly.
4. In spite of communication of the judgment and order passed by this court, trial Judge has failed to comply with the aforesaid statutory mandate. Necessary orders were not passed and the judgment and order of this Court has not been communicated to the convict who was in the correctional home.

5. Learned Additional Sessions Judge, 3rd Court, Tamluk, Purba Medinipur is directed to submit explanation on the adjourned day why he failed to comply with the aforesaid statutory mandate and pass appropriate direction to communicate the judgment and order to the convict in the correctional home.
6. Presently with the availability of IT facilities, the High Court is electronically connected with all correctional homes. E-committee, Supreme Court of India has proposed a scheme and requested the High Courts to amend Rules to enable online communication of bail orders to the correctional homes directly.
7. We are of the view similar procedure may be followed to communicate judgements and orders in appeals and revisions to the correctional home where a party/convict is incarcerated.
8. Secretary, E-committee is directed to submit report with regard to communication of the judgment and order of the High Court in appeal and revision to convicts and/or persons detained in the correctional home.
9. Let the matter appear on **03.10.2023**.
10. Let a copy of the order be communicated to the Registrar (Judicial Services), District Judge concerned, Secretary, E-committee and the trial Judge i.e. Additional Sessions Judge, 3rd Court, Tamluk, Purba Medinipur for taking necessary steps.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)