

09.01.2023

Court No.35
Item No. 41

CRA 138 of 2012

D.Hira

**Subhash Chandra Das @ Subhas Chandra Das
Vs.
The State of West Bengal**

Mr. Anwar Hossain,
Ms. Ratna Ghosh.

... for the State

No one is appearing for the appellant today.

Ms. Ghosh, learned Advocate who is appearing for the State has handed over a report of the Superintendent Burdwan Central Correctional Home dated 15th August, 2022. The report as above reveals that after serving out the period of sentence the appellant has already been released from the said correctional home. Let the same be kept with the record.

The present appeal is to challenge the judgment and orders dated 27th February, 2012 and 29th February, 2012 respectively, passed by the Additional District and Sessions Judge, Fast Track Court- I, Sealdah in Sessions Trial No. 1(4) of 2007. The Court has convicted the appellant for commission of an offence under Sections 306/498A of the Indian Penal Code and ordered him to suffer a sentence of rigorous imprisonment for three (3) years and to pay a fine of Rs.2,000/-. In default, the appellant was directed to suffer rigorous imprisonment for a further period of three (3) months.

The appeal is founded on the grounds of non-consideration of the evidence on record by the Trial Court while convicting him and awarding sentence of imprisonment.

The FIR in this case is dated 10th December, 2004. The informant has stated therein about infliction of severe physical and mental torture upon the victim by the accused persons including the appellant. Pursuant to such FIR, the specific police case being Tangra Police Station Case No.104 dated 27th August, 2005 under

Sections 498A/306/34 of the Indian Penal Code was started. After completion of investigation police submitted charge-sheet in this case and the Sessions Court later on has formulated charge against the appellant on 4th April, 2007 under Sections 498A, 306, 34 of the Indian Penal Code. Hence, the trial commenced. Witnesses were examined and documents were exhibited by the prosecution. After considering the same, the Trial Court found the present appellant to be guilty of the offence under Sections 498A and 306 of the Indian Penal Code and passed an order directing him to suffer sentence as mentioned above.

Upon perusal of the judgment of the Trial Court and the materials on record that is the ocular evidence of the witnesses as well as the other documentary evidences, it is found that the same has been duly considered by the Trial Court. The evidence has been scrutinized and the finding to which the Trial Court has come in this case would suffer with no infirmity.

On the ground as above, the finding of the Trial Court holding the appellant guilty of the offence under the afore-stated provisions of law is upheld. To that extent, the impugned judgment is confirmed.

However, in view of the fact that the appellant has already served out the period of sentence granted to him, it is found proper that the sentence part of the impugned judgment and order be modified to the extent that the appellant be awarded with the sentence already suffered.

With these directions, the appeal is disposed of.

All pending applications, if any, are consequently disposed of.

Certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(Rai Chattopadhyay, J.)

