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08.02.2023.
b.r.
Crt.236

C.R.R 1844 of 2008
With
IA No. CRAN 1 of 2022

In the matter of : Gobinda Rudra & Ors. ...petitioners.

Mr. Prasanta Banerjee
Ms. Indrani Nandi
..... For the petitioners.

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
..... for the State.

In Re : **CRAN 1 of 2022**

This application for restoration filed by the petitioners are considered and allowed having found explanation as to inaction on the part of the petitioners.

The criminal revisional application is restored to its original file and number.

CRAN 1 of 2022 is disposed of.

In Re: **CRR 1844 of 2008**

This criminal revision is preferred challenging the judgement and order dated 15th April, 2008 passed by learned Additional Sessions Judge, Fast Track Court, Ranaghat, Nadia in Criminal Appeal No. 8 of 2005 thereby affirming the judgement

and order of conviction passed by Learned Judicial Magistrate, 2nd Court, Ranaghat in G.R. Case No. 445 of 1906.

The short fact of this case is on 28th of May, 1996 at about 11 P.M. Smt. Sefali Chatterjee informed the Inspector-in-Charge of Ranaghat Police Station that on 28th of May, 1996 at about 11 P.M. while her elder brother Anukul Saha was returning home after distributing invitation cards he was wrongfully restrained by the accused persons who assaulted Anukul and made him sustain injuries.

Having found disclosure of offence cognizable in nature. Ranaghat P.S. Case No. 172 dated 29th of May, 1996 was registered. Police took up investigation which culminated into submission of chargesheet under Section 341/323/334/379/34 of the Indian Penal Code. The accused persons stood the trial by pleading their innocence.

Learned Trial Court after considering the testimony of prosecution witnesses was pleased to hold that accused persons committed offence punishable under Section 341/323 of the IPC and recorded the order of conviction.

The Convicts made an unsuccessful attempt to get the order of conviction reversed in Criminal Appeal No. 8 of 2005.

The appeal was not accepted and order of conviction was maintained. The convicts before the Court are challenging the order passed by learned Appellate Court.

Mr. Prasanta Banerjee, Learned Counsel representing the petitioners vehemently argues that the impugned judgement suffers from infirmity inasmuch as there is no corroborative piece

of evidence. The prosecution case is based on the testimony of the victim who is not getting support from other witnesses.

PW 9 who was taken into consideration by the learned trial Court as well as learned Appellate court but he did not prepare injury report. No bloodstained earth was seized by the police in course of investigation.

However, upon perusal of record I find that PW-6 the victim Anukul Saha stood the test for cross-examination and his oral testimony indicates that he was wrongfully restrained on his way back to home by the accused persons, he was assaulted and sustained injuries.

PW9 is Dr. Ramhat A Alam who attended the victim on 29th of May, 1996 at Ranaghat S.D. Hospital and found (a) lacerated injury occipital region of scalp 3"x1/3"x1/3". (b) Abrasion right foot 1/2"x1/3" (c) tenderness over back of chest. (d) tenderness over laumbo sector region. Thus the testimony of injured witness is getting support from the testimony of the attending doctor which sufficient to record the order of conviction under Section 323 of the IPC.

I do not find any cogent reason to interfere with the impugned judgement. The criminal revision is bereft of any merit and disposed of with the direction upon the convict/petitioner to surrender before the learned trial Court and to pay fine within four weeks from date.

Thus, **C.R.R. 1844 of 2008** is thus **disposed of** on contest.

No order as to costs.

Let a copy of the judgement along with LCR, if any, be sent down to the learned trial court forthwith.

Criminal Section is directed to deliver urgent photostat certified copy of this order to the learned advocate of the parties, if applied for, as early as possible.

(Siddhartha Roy Chowdhury, J.)