

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL APPELLATE JURISDICTION  
(APPELLATE SIDE)**

Present:

**The Hon'ble Justice Rai Chattopadhyay**

**C.R.A No. 695 of 2012**

**Muja MD  
Vs.  
State of West Bengal**

**Judgment on: 15/05/2023**

**Rai Chattopadhyay, J.**

- (1)** In this appeal the appellant has challenged the judgment of conviction and order of sentence dated 27.09.2012 passed by the Additional District & Sessions Judge, 1<sup>st</sup> Court at Raiganj, Uttar Dinajpur. The judgment as above was delivered in Sessions Trial No. 1 of 2011, under Section 417 of the IPC.
- (2)** While convicting the present appellant, the Court rewarded sentence to him to suffer imprisonment for a period of one month and to pay fine of Rs. 30,000/-, in default of which he would suffer simple imprisonment for a further period of six months from the date of commission of the offence punishable under Section 417 of the IPC.
- (3)** This appeal has been filed in the year 2012 and pending since then.

**(4)** This appeal has been listed before this Court on 08.05.2023.

Since the date of listing of this appeal before this Court, the same has been called on for twice, on each date of Court's functioning. However, no one has appeared either for the appellant or the State. Thus, in this appeal, it is found that the appellant has had a reasonable and sufficient opportunity of being heard, which he did not avail in spite of the appeal being pending and called on for a considerable period of time.

**(5)** It is also noted that during the time the present appeal has been pending before this Court and called on, no pleader for the appellant has also represented him, in spite of there being sufficient scope for him to appear to represent the appellant. Accordingly it is found that pleader on behalf of the appellant, if there is any, has also not availed the opportunity to represent the appellant in spite of there being sufficient scope and reasonable opportunity for that.

**(6)** Under such circumstance this appeal may be taken up for final determination, which shall not be in contravention and hostility with the provision under Section 384 (1) proviso (a) of the Cr.P.C.

**(7)** On perusal of the record it is also found not necessary to call for the record from the trial Court in Sessions Trial No. 1 of 2011.

**(8)** The case of the prosecution in brief is as follows:-

On 28.11.07 one Dalina Bewa, W/o Late Table Md of village Dakshin Bisnupur under P.S Raiganj came to Raiganj P.S and submitted written complaint to the effect that her minor daughter Masrufa Khatun aged about 15 years had to go to Pufra field for irrigating the land for cultivation with the help of water supplied to the shallow machine of one Moja Md of village Balijol under P.S Itahar and that in course of such visit to the field the love affairs developed in between them and the said Moja Md with the promising of marrying Masrufa had co-habited with her days together and as a result she became pregnant and that when the complaint came to know the incident from her daughter she reported it to her relations in neighbor and they asked Moja Md to marry Masrufa but he refused and that over this issue a salish was held and the said Moja Md appearing in that shaligh admitted his guilt but he proposed to settle the matter by paying Rs. 15000/- to Masrufa. But the complainant did not agree to such proposal. It was also alleged therein that Moja Md then threatened the complainant with dire consequences if any complaint be lodged against him.

**(9)** On the perusal of the certified copy of the impugned judgment it appears that the trial Court, in the same, has elaborately and categorically discussed on the evidence available before it, both ocular as well as others. The trial Court has analyzed the same

and after through scrutiny, has come to a finding and decision which is a just, reasonable and plausible view, on the basis of the available evidence.

**(10)** This Court finds no cogent or sufficient reasons to interfere with such plausible decision, arrived at by the trial Court on the basis of the evidence on record. Hence, it is found that there is no sufficient ground for this Court to interfere with the finding of the trial Court and its decision in the impugned judgment and order. Hence, the appeal merits no success.

**(11)** Therefore, upon examining the petition of appeal and the copy of the impugned judgment and upon finding that there is no sufficient ground for interfering, CRA 695 of 2012 is dismissed in terms of the provision under Section 417 of the IPC.

**(12)** Urgent certified copies of this judgment, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

**(Rai Chattopadhyay, J.)**