

14-08-2023
Court No.3
mg/6.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**C.R.R. 146 of 2019
With
IA No. CRAN 2 of 2022**

**JAGGU MODAK @ JAGGU
BHOWMIK @ GOPAL MODAK @ RATAN
MODAK**

**Vs.
State of West Bengal & ANR.**

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
...for the State

None appears for the petitioner. On the previous occasion namely 12.08.2022 none appeared for the petitioner. Although, the recorded Lawyer submitted that the petitioner had already taken no objection from him, since then petitioner did not appear and contest the matter.

The defacto complainant lodged complaint against the petitioners alleging assault and other allegations which was registered as Dinhata PS case No. 1188 of 2015 dated 10.09.2015 under Sections 341/323/324/325/326/34 of the Indian Penal

Code. After investigation charge sheet was filed under the same Sections.

Charges were framed against the petitioner to which he pleaded not guilty. Accordingly, trial begun. The trial Court at the end of the trial and on appreciation of evidence convicted the petitioner and sentenced him to suffer RI for a term of one year and to pay a fine of Rs.7,000/- in default to suffer further RI for a term of six months each for the offence under Section 324 of the Indian Penal Code. Another accused person was acquitted under Sections 448/323/325/324/326/34 of the Indian Penal Code.

Appeal was preferred against Judgment of conviction and Order of sentence. The first appellate Court confirmed the Order passed by the trial Court in criminal appeal no. 2(D) of 2019 in terms of Judgment and Order dated 18.03.2019.

On being aggrieved and dissatisfied this instant revisional application is preferred.

The High Court in exercise of revisional jurisdiction should be cautious to interfere with concurrent findings of the two Courts. In the impugned judgment passed by the

Additional Sessions Judge appreciated evidence as a First Appellate Court applied correct principles of law and passed reasoned Order concurring with the findings of the trial Court. There is neither perversity in finding nor mis-application of law nor is there any anomaly in finding of the First Appellate Court. The well reasoned Judgment of the First Appellate Court therefore should not be interfered with and this Court refrained from interfering with the concurrent finding of both the Courts.

Accordingly, instant revisional application stands dismissed along with other pending applications.

(SUGATO MAJUMDAR, J.)