

13.02.2024

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CRA 161 of 1988

In the matter of : Swapan Kumar Mullick.

.... Appellant.

Mr. Samiran Mandal

.... for the appellant.

Mr. Abhinaba Dan

... for the respondent No.4

The appellant is present in Court today. His personal appearance is noted and dispensed with.

Mr. Mandal, learned advocate files fresh vakalatnama on behalf of the appellant. Let the same be kept on record.

The report filed by the S.I Police Station, Ranibandh District Bankura dated 05.02.2024 stated that the respondent No.1 i.e. Meghnath Majhi to have expired on 05.07.2009, respondent No.2 i.e. Madan Majhi to have expired on 17.07.2006, respondent No.3 Madan Majhi to have expired on 05.07.2010, respondent No. 5 i.e. Bhudeb Kumar to have expired on 08.07.2002, respondent No. 6 i.e. Keshab Maji to have expired on 22.03.2014, respondent No. 7 i.e. Mathur Sardar to have expired on 13.03.1994, respondent No. 8 i.e. Biswanath Sahish to have expired on 05.01.2017, respondent No. 9 i.e. Khandu Sardar to have expired on 18.11.2001, respondent No. 10 i.e. Harekrishna Maji to have expired on 10.10.2002 and respondent No. 11 i.e. Manu Mahato to have

expired on 29.01.2017. Let the said death certificates of the individual appellants be kept on record.

Mr. Dan, learned advocate files fresh vakalatnama on behalf of the respondent No. 4. Let the same be kept on record.

In compliance with the order dated 03.01.2024 the respondent No. 4 i.e. Rohini Mahato is present in Court today. His personal appearance is noted and dispensed with.

The instant appeal arises out of an order of acquittal dated 21.03.1988 passed by the learned Judicial Magistrate, 1st Class, Khatra, District Bankura, in Case No. 40c of 1983 (T.R. No. 7 of 1987) under Section 447/427 of the Indian Penal Code.

The learned advocate for the appellant has filed a written instruction stating that his client does not wish to proceed with the instant appeal. In written instruction dated 13.02.2024 submitted before the court to that effect be kept on record.

The instant appeal arises out of an order of acquittal. The matter relates to the year 1988 after expiry of 36 years. The appellant intends to withdraw the appeal arising out of an order of acquittal and the same is allowed.

Under the facts and circumstances, the instant appeal is dismissed for non-prosecution.

Copy of the order and lower court records be sent to the trial court for due compliance.

(Ananya Bandyopadhyay, J.)