

07.03.2024
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CRA 353 of 1990

In the matter of : Ratan Kumar Saha.

.... Appellant.

Mr. S.R. Saha

.... for appellant.

Mr. Avishek Sinha

... for the State

Mr. Sinha, learned advocate for the State has filed a report of the Officer-in-charge Chitpur Police Station dated 07.03.2024 and the same be kept on record. From the report it transpires that the opposite party i.e. Sandhya Mullick has expired on 16.07.1995 supported by a copy of the death certificate.

The instant appeal has been preferred against judgment and order dated 28.03.1990 passed by the Judicial Magistrate, 1st Class, 3rd Court, Sealdah in C. No. 677 of 1998 acquitting the accused/opposite party.

The learned advocate for the appellant has filed a copy of the written instruction that his client does not wish to proceed with the instant appeal since the opposite party has expired. A written instruction dated 04.03.2024 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 1990 after expiry of 34 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.)