

21.08.2024
Serial no. 23
CT.-35
[G.S.D]

CRA 99 of 2019

In the matter of : Rameswar Maity

... .. Appellant

Mr. D. Deb

Mr. Pabitra Biswas

... for the appellant

Md. Anowar Hossain

Ms. Trina Mitra

... for the State

The appellant has challenged the order of conviction and sentence passed by the learned Judicial Magistrate, 1st Court, Contai, Purba Medinipur, wherein, the Id. trial court was pleased to hold the appellant guilty in connection with Bhagwanpur P.S. Case No. 49 of 2015 dt. 06.04.2015 corresponding to G.R.(E) Case No. 229 of 2015.

The learned trial court after convicting the appellant was pleased to sentence him for simple imprisonment for a period of one year and imposed fine of Rs.10,000/-, i.d., S.I. for one months.

Having considered the subject-matter of challenge in appeal, I am of the firm opinion that the appeal should have been preferred before the Id. Sessions Court.

However, because of certain inadvertent advice, the same has been preferred before this court.

Accordingly, this court will not enter into the merits of the appeal and will leave it to the Id. Sessions Judge, Purba Medinipur, to decide the appeal on merits.

Accordingly, the Criminal Appeal being CRA 99 of 2019 is **disposed of** with the following directions:

- a) Department is directed to immediately send the paper book(s) along with the LCR to the Id. Sessions Judge, Purba Medinipur.
- b) The Id. Sessions Judge, Purba Medinipur on receipt of the records will re-number the appeal according to the roaster of the Id. Sessions Court.
- c) Since the Memorandum of Appeal is already existing and the same has not been interfered with by this court, the same Memorandum of Appeal may be considered with a fresh number, as directed above.
- d) The appellant, as has been informed, is on bail granted by the Id. trial court and affirmed by the High Court, the said order of bail is limited till 30th of November, 2024.

It would be the discretion of the Id. Sessions Judge to consider the application, if preferred, within the said period so far as the aspect of bail is considered during the further pendency of the appeal.

All efforts be taken by the Id. Sessions Judge, so that the appeal is concluded within a period of three months, from the date of receipt of the records.

All pending connected application(s) before the High Court, if any, are deemed to be disposed of in view of the appeal being sent to the Id. Sessions Judge.

Department is directed to communicate this order and send the LCR along with the paper book(s) to the Id. Sessions Judge, Purba Medinipur.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)