

25.07.2024
Serial no. 2
CT.-35
[G.S.D]

CRA 324 of 2019

In the matter of : Md. Ismail @ Gedu

... .. **Appellant**

Mr. M. Alam Sk ... for the Appellant

Mr. Debasish Roy
Mr. Rudradipta Nandy, Id. APP
Mr. Soham De Dhara

... for the State

Reported submitted by Mr. Nandy, Id. advocate for the State, be kept with the record.

Ld. advocate for the appellant is present.

The appeal was preferred in connection with Sessions Trial No. 13(11)/2016 arising out of Sessions Case No. 551 of 2016, wherein the Id. Trial Court was pleased to convict the appellant under the provisions of Section 489(C) of the IPC.

The genesis of the case arose out of Harishchandrapur P.S. Case No. 333 of 2016 dt. 12.06.2016 under Sections 489B/489C/120B of the IPC.

The Id. trial court after conclusion of evidence was pleased to acquit the accused under Section 489B of the IPC. However, by the said judgment dt. 30th January, 2019, the Id. trial court was pleased to convict the accused/appellant under Section 489C of the IPC and

sentenced him to suffer rigorous imprisonment for five years and pay fine of Rs.2,000/- i.d., rigorous imprisonment for six months.

Pursuant to the report being received from the Jail Authorities being Superintendent, Malda District Correctional Home, it is reflected that the appellant has served out the sentence in connection with Harishchandrapur P.S. Case No. 333 of 2016 dt. 12.06.2016 corresponding to Sessions Case No. 551 of 2016 and Sessions Trial No. 13(11) of 2016.

Having regard to the report so submitted and also the fact that the Id. advocate for the appellant do not intend to pursue the appeal, as the appeal has become infructuous,

With the aforesaid observations, CRA 324 of 2019 is disposed of.

Pending application, if any, is also disposed of.

Department is directed to return the LCR to the Id. Trial Court and communicate this order to the Id. trial court also.

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

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

