

***IN THE HIGH COURT AT CALCUTTA***  
***CRIMINAL APPELLATE JURISDICTION***  
***APPELLATE SIDE***

**PRESENT:**

***The Hon'ble Justice Rajarshi Bharadwaj***  
***And***  
***The Hon'ble Justice Apurba Sinha Ray***

***GA 7 of 1977***  
***The Superintendent and Remembrancer***  
***of Legal Affairs, West Bengal***

***-Vs-***  
***Gorachand Patra & Ors.***

For the State : Mr. Debashis Roy, Ld. APP  
Ms. Manashi Ray

Heard on : 20.05.2025

Delivered on : 20.05.2025

**Rajarshi Bharadwaj, J.:**

1. No one appears for the respondents.
2. The prosecution case, inter alia, is as follows :
3. Jahar Mondal (since deceased) and his elder brother Manicklal Mondal who were residents of village Joypur had agricultural lands at Madhyajoypur. The said two brothers purchased the case land bearing dag No.177 of Madhyajoypur and thereafter cultivated the said land in khas by engaging labourers.

4. On 16.03.1974 at about 6 a.m. 11 labourers engaged by the said Jahar Mondal went to the case land with instruction from Jahar to plough and uproot the paddy seedling from the seedbed located in a portion of the said land. Out of the said 11 labourers, 3 began to plough the land while the remaining 8 began to uproot the paddy seedlings from a portion of that land for the purpose of transplantation of the same in the case land. At about 8 a.m. Jahar Mondal along with his co-villager, Bharat Roy went there with a view to supervise the cultivation. Jahar and Bharat stood upon a central portion of the case land. Shortly thereafter, accused Ramdas Patra went up there and began to quarrel with Jahar. In the midst of altercation, Ramdas shouted by saying "e.i. Sab beriye aye, Sala ke sesh kore de" and thereupon 7 other accused persons including Sukdeb Patra (since deceased) rushed out from the hut of the accused Basudeb which was located to the south of the case land and ran towards Jahar. Accused Gorachand had a spade in his hand and the other accused persons had lathis with them. As soon as they went near Jahar, they pounced upon him and began to assault him. Accused Gorachand inflicted blows of the spade on the right side of the neck, right side of the face, right ear and the right shoulder joint of Jahar in consequence of which Jahar fell down on the ground unconscious. The injuries sustained by Jahar were bleeding profusely.

5. Raghu Hajra (P.W.3) one of the labourers engaged by Jahar, ran towards Jahar with a view to saving him but the accused Gorachand also inflicted a blow of the spade on his right thigh, as a result of which he also fell down on the ground with a bleeding injury on his right thigh. Thereafter all the accused persons fled away. The two injured persons were taken to Joypur Primary Health Centre for treatment wherefrom they were taken to Calcutta Medical College Hospital. There Jahar succumbed to his injury. But Raghu Hajra (P.W.3) was discharged after first aid had been administered to him.

6. That thereafter Banshi Bag (P.W.1) went to Amta Police Station and lodged a first information report.

7. That on receipt of the said first information report, the police started a case and took up investigation of the same.

8. That thereafter on 25.10.1975, the police submitted a charge-sheet against the accused/respondents and two others under sections 148/149/304/120B of the Indian Penal Code. After submission of the charge-sheet, accused Sukdeb Patra died.

9. That on 23.03.1976, the accused/respondents and another were committed to the court of Session to stand their trial.

10. That after charges being framed under Sections 148/149/304/120B of the Indian Penal Code, the prosecution examined 24 number of witnesses.

11. The trial Court after compliance of necessary formalities, recorded an order of acquittal which is in challenge before this Hon'ble Court. In spite of service of administrative notice, the accused/respondents are unrepresented and as such, we propose to deal with the appeal on its merits as no one responded even after issuance of such administrative notice.

12. Dispensing with the service upon the respondents as in our view, it will not be prejudicial in the interest of the respondents for the order we propose to pass.

13. We have heard the learned Public Prosecutor who argues in favour of the appeal and points out some infirmities in the order of the learned Trial Judge.

14. We are, however, not convinced with the arguments advanced on behalf of the State by the learned Public Prosecutor in view of the fact that the order of acquittal has been recorded by the learned Trial Judge upon consideration of all the materials placed before him.

15. In view of the proposition laid down by the Hon'ble Apex Court from time immemorial and recently in the case of **Constable 907 Surendra Singh & Anr.**

**Vs. State of Uttarakhand**, reported in **2025 SCC Online, SC 176**, we do not

think there is any scope for interference by this Hon'ble Court as the impugned judgment and order seems to be justified and reasonable.

**16.** Accordingly, the appeal fails and is dismissed, however, with regard to no order of costs.

**17.** Copy of this judgment along with the trial court records be sent down to the trial court immediately.

**18.** Urgent Photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all requisite legal formalities.

**[Rajarshi Bharadwaj, J.]**

**I agree**

**[Apurba Sinha Ray, J]**