

CRA 44 of 1998

In the matter of : **Dr. S.K. Basu**

....Appellants

Mr. Anindya Sundar Chatterjee,
Mr. Goutam Dinda

.... for the Appellant

Mr. Avishek Sinha,
Ms. Mousumi Sarkar,

.....for the State

1. Appellant/complainant is represented by the learned Advocate.
2. Nobody appears on behalf of the accused/opposite party.
3. It appears from the materials on record that on previous occasion a report was submitted by the Officer-in-Charge, Posta Police Station, Kolkata indicating that the accused/opposite party, namely, Jaharlall Halwai was expired on 27.11.2007. A photocopy of certificate of death of the said accused/opposite party was collected and tagged with the report submitted by the concerned police station which also affirms the death of the said accused/opposite party.
4. The instant appeal was preferred at the behest of the appellant challenging the impugned judgment and order of acquittal passed by the learned Senior Municipal Magistrate and Metropolitan Magistrate and Judicial Magistrate 1st Class, Calcutta, dated 13th May, 1997 in connection with case no. 5D of 1988 (under Section 16(1) a (i) read with Section 7 of the P.F.A Act 1954).
5. I have gone through the entire judgment passed by the learned Trial Court and I find nothing to interfere with the said impugned judgment and order of acquittal.

6. Accordingly, the instant appeal filed by this appellant *de hors* on merit and is liable to be dismissed.
7. So, the present appeal being CRA 44 of 1998 is dismissed on merit.
8. The impugned judgment and order dated May 13, 1997 passed by the learned Magistrate in Case No. 5D of 1988 is hereby affirmed.
9. Let a copy of this order along with the Trial Court Records be sent down to the Trial Court immediately.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Prasenjit Biswas, J.)