

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

CRA 98 of 2020.

In Re :- An petition of appeal under Section 374(2) of the Code of Criminal Procedure, 1973.

In the matter of: - **Sourav Khan.**

.....appellant.

Mr. Amitava Das,
Mr. Rohan Dwaipayan Bhowmick,
Mr. Partha Sarathi Maitra.

...for the appellant.

Mr. Debasish Roy, Ld. PP.,
Ms. Amita Gaur, Ld. APP.

....for the State.

Dictated by Arijit Banerjee, J.

1. Although learned counsel for the appellant says that the appellant is not desirous of proceeding with the appeal, we are of the view that having admitted the appeal, the same should be disposed of on merits.
2. The appellant was charged for commission of offence under Sections 366A of IPC and Section 6 of the Protection of Children from Sexual Offences, 2012 and alternatively Section 376(2)(n) of IPC.
3. The prosecution examined as many as 13 witnesses. There was no defence witness. Having discussed the evidence on record,

the learned Trial Judge held the appellant guilty under Sections 366A/376(2)(n) of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced the appellant to suffer rigorous imprisonment for 10 years and also to pay fine as indicated in the impugned judgment and order, in default, to undergo rigorous imprisonment for a further period of six months.

4. We have heard the learned counsel for the parties and gone through the judgment and order under appeal. The victim girl was 12 years old at the time commission of the offence and she clearly described the heinous incident. There is sufficient corroborative evidence also. Medical examination report also supports the prosecution case. We see absolutely no reason to interfere with the judgment and order under appeal. It is a well-considered, well-informed and logical judgment.
5. We find that the appellant is on the verge of completing the sentence of 10 years that was imposed on him. The learned counsel for the appellant tells us that on January 10, 2026, he will complete serving the sentence of 10 years. This is corroborated by the Detention Certificate which is on record.
6. Accordingly, CRA 98 of 2020 stands dismissed.
7. In the event, the appellant pays the fine amount after January 10, 2026, he shall forthwith be released unless he is wanted in connection with any other case. In default of payment of fine, the default clause mentioned in the impugned judgment shall operate.

8. Let the trial court records be sent back to the concerned trial court immediately.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)