

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.A. 401 of 2005

**Md. Manjul Hossain @ Manjur Hossain @ Enayet @ Md. Nayet
-Vs-
The State of West Bengal**

For the Appellant : Mr. Santanu Talukdar
(Amicus Curiae)

For the State : Mr. Avishek Sinha

Heard on : 18.09.2024, 30.01.2024, 17.05.2024,
25.09.2024

Judgment on : 06.05.2025

Ananya Bandyopadhyay, J.:-

1. This appeal is preferred against the judgment and order of conviction dated 19.09.2003 passed by the Learned Additional District and Sessions Judge, 4th Fast Track Court, Calcutta convicted the appellant under Sections 392/397 of the Indian Penal Code and sentencing the appellant to suffer rigorous imprisonment for seven years and to pay a fine of Rs.1,000/- in default to suffer further simple imprisonment for ten days and the appellant was further sentenced to suffer rigorous imprisonment for seven years. Both the sentences shall concurrently.

2. The prosecution case precisely stated on the fateful day of the occurrence i.e. on 02.08.2002 at about 11.30 hrs., the victim lady was returning to her residence from Brahma Girls' School, after keeping her 3 ½ year old daughter in the said school. Then the appellant and another accused person committed robbery by snatching her gold neck chain from her neck, coming from behind and in the course of committing the offence the appellant and another co-accused person threatened the victim lady showing knife to her. When she turned back to the accused appellants, who subsequently had fled from the place of occurrence which was situated in the proximity of 70, A.P.C. Road. Calcutta, and overhead bridge across the A.P.C. Road.
3. Based on the above, written complaint was lodged by the victim lady at the Amherst Street Police Station, F.I.R. No. 158 dated 02.08.2002 was registered under Sections 392/397 of the Indian Penal Code. The investigating agency submitted charge-sheet under Sections 392/397 of the Indian Penal Code against the accused/appellant.
4. Charges were framed under Sections 392/397 of the Indian Penal Code to which the accused/appellant pleaded not guilty and claimed to be tried.
5. The prosecution in order to prove its case produced cited 8 witnesses and exhibited certain documents.
6. The case record revealed that the accused/appellant was arrested on the later part of the fateful date of the occurrence on the identification of the victim woman and other witnesses, from in front of the premises no. 166 of Keshab Ch. Sen Street, Calcutta-700009. The weapon of offence, a metallic knife which was alleged to had been used by the accused/appellant. At the

time of commission of robbery of the gold neck chain of the victim woman was recovered on being identified and pointed out by the accused/appellant by himself and seizure list was prepared and in pursuance of the statements of appellant and another co-accused who was kept in police custody in connection Section S 2 Case No. 218 dated 21.08.2002 under Section 379 of the Indian Penal Code till 16.09.2002. The accused no. 2/co-accused was shown arrested in the office of the Anti Snatching Squad and the robbed off gold neck chain was recovered on being identified and pointed out by the accused no. 2.

7. In view of the above discussion, the instant criminal appeal being CRA 401 of 2005 along with connected application, if there be any, stands dismissed.
8. There is no order as to costs.
9. I record my appreciation for the able assistance rendered by Learned Advocate Mr. Santanu Talukdar as *Amicus Curiae* representing the appellant, in disposing of this appeal.
10. Trial Court records along with a copy of this judgment be sent down at once to the Learned Trial Court for necessary action.
11. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)