

03
26.08.2025
Court. No. 655
Jayanta

CRA 450 of 2005

**Sudhir Kundu
Vs.
Hiren Paul**

1. Appellant/complainant as well as the respondent/accused persons are not represented.
2. This appeal has been preferred at the behest of the appellant/complainant challenging the impugned judgment and order of acquittal dated 1st April, 2005 passed by the learned Trial Court in connection with the TR No. 104/1997 arising out of CR Case No. 172/1997.
3. In pursuance of the direction a report is submitted by the learned Chief Judicial Magistrate, Paschim Bardhman indicating that during pendency of this appeal the appellant/complainant, namely, Sudhir Kundu, and the respondent accused person no. 3, Asit Paul have been expired. The photocopies of certificate of the death of the appellant/complainant and the respondent no. 3 are tagged with the report which also affirm the death of the appellant/complainant and the respondent no. 3. The said report also shows that the notice could not be served upon the respondent no. 1 and 2 as they are no longer dwelling in the address mentioned in the petition.
4. As the appellant/complainant has already expired, the instant appeal should be disposed of on merit.

5. I have perused the impugned judgment and order passed by the learned Trial Court dated 1st April, 2005 and after perusing of the same I find no material to interfere with the said judgment.
6. Accordingly, the instant appeal be and the same is dismissed on merit.
7. Let a copy of the this order and the Trial Court record be send down to the Trial Court immediately.
8. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Prasenjit Biswas J.)