

23.06.2025
Item No.4
Court No. 26
CHC

CRA (DB) 185 of 2024

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

And

In the matter of : Suklal Hembram @ Patar @ Patra
..... appellant

Mr. Jayanta Banerjee, Advocate
...for the appellant in CRA 294 of 2021

Mr. Sabir Ahmed, Advocate
Mr. Bhaskar Hutait, Advocate
...for the appellant in CRA (DB) 185 of 2024

Mr. Debasish Roy, Ld. P.P.
Mr. Arup Sarkar, Advocate
...for the State

1. CRA(DB) 185 of 2024 was admitted by an order dated July 30, 2024 after condoning the delay of 1,048 days in preferring the appeal.
2. Department, by a report dated June 16, 2025 states that, a previous appeal by the same appellant directed against the same impugned judgment of conviction and order of sentence, was disposed of by a judgment and order dated April 5, 2023 passed in CRA 294 of 2021. Noticing such fact, we requested the learned advocate for the appellant in CRA 294 of 2021 to appear in the appeal. Such learned advocate is present. Learned advocates for the appellant in CRA(DB) 185 of 2024 are also present.
3. Learned Public Prosecutor represents the State.

4. It transpires from the records that, appellant preferred an appeal from the judgment of conviction dated August 12, 2021 and order of sentence dated August 13, 2021 passed by the learned Additional District and Sessions Judge, Fast Track, 2nd Court, Paschim Medinipur in Sessions Trial No.01-(01)/08 by way of CRA 294 of 2021 which was dismissed by a judgment and order dated April 5, 2023.
5. Thereafter, the same appellant sought to prefer another appeal from the same impugned judgment and order as was disposed of in the earlier appeal by way of CRA (DB) 185 of 2024.
6. Wife of the appellant is present in Court pursuant to the request made by the learned advocates for the appellant in CRA(DB) 185 of 2024.
7. It is claimed on behalf of such person that, neither the appellant nor she were aware of the earlier appeal being CRA 294 of 2021.
8. We requested the department to produce the records of CRA 294 of 2021 which the department did. It transpires from such records that, CRA 294 of 2021 was filed on behalf of the appellant. Vakalatnama bears left thumb impression of the appellant in such appeal. Vakalatnama of the appellant in the present appeal also bears the left thumb impression of the appellant. There was an interim application being CRAN/1/2021 filed by a person claiming to be the uncle of the appellant in the previous appeal. In the present appeal,

there is an application for condonation of delay which was allowed, affirmed by the wife of the appellant.

9. Subsequent our judgment and order dated April 5, 2023 passed in CRA 294 of 2021 Trial Court Records were transmitted to the jurisdictional Court.
10. It is not disputed that, appellant was made aware of our judgment and order dated April 5, 2023 passed in CRA 294 of 2021.
11. None of the advocates appearing for the appellant in the two appeals claims that, they are conducting the litigation pro bono.
12. Therefore, the explanation that, the appellant or the wife of the appellant were not aware of the first appeal being CRA 294 of 2021 cannot be accepted.
13. In view of such conduct of the appellant, it would be appropriate dismiss the CRA (DB) 185 of 2024 since, the earlier appeal against the same impugned judgment of conviction and order of sentence stood disposed of by the judgment and order passed in CRA 294 of 2021.
14. Considering such conduct of the appellant, it would be appropriate to impose costs of Rs.10,000/- (Rupees Ten Thousand) to be paid by the appellant to West Bengal State Legal Services Authority, Kolkata.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)