

18.02.2026

Court No.34

Item.11

sg

CRA 464 of 2014

In the matter of : **Swapan Bag**

Appellant.

Mr. Apan Saha

...for the appellant.

Mr. Saryati Datta

...for the State.

1. This appeal has been filed under Section 372 (2) of the Criminal Procedure Code, 1973 against the judgement dated 12th July, 2013 and order of sentence pronounced on 16th July, 2013 by the learned Sessions Judge, Burdwan in Session Case No. 02 of 2012 under Sections 363/366 of the Indian Penal Code directing the appellant to suffer rigorous imprisonment for seven years for the offence punishable under Section 366 of the Indian Penal Code and to pay fine of Rs. 4,000/- for punishable of the Indian Penal Code in default to suffer rigorous imprisonment for six months for the offence.

2. It was further directed all the sentences to run concurrently.

3. Several attempts were made in order to unable to appear in this case, further in absence thereafter direction was given to the High Court Legal Services Committee and accordingly Mr. Apan Saha has been engaged as an advocate. It transpire from the record that pursuant to the direction a report was submitted by the

Superintendent of Presidency Correctional Home on 19th July, 2025 addressing the Assistant Registrar of this Court intimating that the appellant has been finally released from the Correctional Home after serving this sentence in the manner described therein.

4. It further transpire from the report that remission earned by the convict during his stay of 379 days and date of release is fixed after getting benefit of UT sets off. Since he did not pay fine amount date of release for six months that at 12.04.2019 he was ultimately released on 12.10.2019.

5. The fact of the case as can be found from the record is that defacto-complainant lodged a complaint before the Jamalpur Police Station intimating that his youngest son student of Class –VIII was kidnapped at 8.A.M on 4th January, 2010 when she was coming from School. He came to know from the villager that accused Swapan Bag eloped his daughter and then he lodged such complaint. After receiving the same on completion of investigation the chargesheet was submitted under Section 363/366 of the Indian Penal Code against the present appellant. The victim was not traced out.

6. After charge was framed the evidence was adduced before the trial Court. On behalf of the prosecution as a defence the present appellant only denied about the prosecution version.

7. After considering the evidence adduced by the prosecution witnesses and defence taken by the accused that the victim girl was

major and left her house of her own volition, Learned Court passed order of conviction.

8. On careful perusal of the evidence so adduced nothing can be found which would support case of the appellant that the victim girl was major and voluntarily left the house.

9. Therefore, this Court do not find any reason to interfere with the observation made by the learned Appellate Court whereby such order of conviction passed specially when victim girl was not recovered till the end of trial. Hence judgement and order of conviction passed by the learned trial Court is hereby affirmed. This criminal appeal stands dismissed.

10. Let a copy of such order be sent to the concerned Court for information and taking appropriate action.

11. Parties are to act on the server copy of the order duly download from the official website of the Calcutta High Court.

[Chaitali Chatterjee (Das), J.]