

Crl (A) 04/2009 (03/2015)

Order No.23
dtd.21.04.2025

Today is the date fixed for receiving LCR from Ld. ACJM, Alipurduar.

Both parties are absent without any step.

None moved on repeated call.

It is now 3 pm.

Upon perusal of case record, it is apparent that present appeal was preferred against the judgment of conviction dated 31.12.2008.

Upon perusal of case record, it is seen that a separate Criminal Appeal/Revision being CRR No. 1281 of 2010 is preferred before Hon'ble High Court at Calcutta which in LCR was transmitted vide order No. 11 dated 31.05.2010 and memo No. 216 dated 29.05.2010.

Therefore, the order awaiting LCR from Ld. ACJM, Alipurduar is in correct. Hence, the same is rectified.

Upon casual inspection of the Court, the record is received long time back from Hon'ble High Court at Calcutta vide its order dated 21.09.2021, in CRR No. 1281 of 2010, when in Hon'ble Court was pleased to dismiss the appeal on default and the connected application are also dismissed, thereby vacating interim order and LCR was sent back vide Hon'ble Court memo No. 208 dated 30.10.2023 but the same was not reflected or place before the then Presiding Officer.

In the above circumstances, the lower Court record as is lying with Criminal Appeal 03 of 2009.

Present appeal was preferred by convict Gopal Choubey and Narayan Mandal, however Criminal Appeal No. 3 of 2009 was preferred by convict Krishna Sarkar and Subhash Sarkar.

The facts remains that by virtue of order and judgment dated 31.12.2008 passed in NGR case No. 1199 of 1993, four (04) accused was convicted to which in the present appeal and Criminal Appeal No. 3 of 2009 is pending.

Today the appellant in the instant case is absent without any steps.

From the observation of Hon'ble Court in CRR-1281 of 2010, it is cleared that there is no order of stay too.

Therefore, considering the above facts the appellant is to '**show cause**' as to why the necessary order for dismissal of the present appeal be passed.

Fixed 13.06.2025 for filing show cause by the appellant/ appearance of convict and further order.

Dictated & corrected by me ;

Addl. Sessions Judge,
Fast Track 2nd Court, Apd.

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(WB-01097)