

Criminal Appeal No.07/19
[Arising out of Raghunathpur PS Case No. 22/2013 dated 03.03.2013
(GR Case No. 94/2013, TR No. 283/2013)]
CNR No. WBPU05-000086-2019
J .O. Code No. WB00642

11.08.2022

Today is fixed for hearing of the appeal.

No step is taken on behalf of the Appellant namely Sibaram Dhibar.

Ld. Advocate Amalendu Banerjee files hazira as Addl. P.P.

The Appellant Sibaram Dhibar is found absent before the court on calls.

On scrutiny of the record of this Criminal Appeal as well as LCR, it appears that the ld. Trial Court on 29.12.18 after full trial convicted two accused persons namely Shyamapada Dhibar and Sibaram Dhibar. It is seen that the ld.Trial Court by order dated 29.12.18 imposed sentence to suffer one year simple imprisonment for the offence punishable u/s 304A of the IPC and also imposed sentence to both the convicts namely Shyamapada Dhibar and Sibaram Dhibar to suffer simple imprisonment for six months for the offence punishable u/s 282/34 of IPC.

It is seen that on 29.12.18 the ld. Trial Court granted bail to both the convicts and accordingly, the convicts furnished bail bonds.

It appears to me that out of two convicts, the convict namely Sibaram Dhibar preferred this instant Criminal Appeal and it is clear that the convict Shyamapada Dhibar although prayed for bail after passing sentence order mentioning that he would prefer appeal against the order of conviction and sentence but the said convict did not prefer Criminal Appeal along with Sibaram Dhibar.

Since, the convict Sibaram Dhibar undertook by furnishing bail bond before the ld. Trial Court that he would appear before this Appellate Court, it is supposed that he must appear before this court for this Criminal Appeal.

It is seen that surety Sukla John furnished bail bond in respect of convict Sibaram Dhibar.

This court directs the surety Sukla John to produce the convict/Appellant Sibaram Dhibar before the court positively on the next date i.d. necessary order will be passed against him.

Inform the surety Sukla John.

The matter of non preferring Criminal Appeal by the convict Shyamapada Dhibar is required to be informed to the ld. Trial Court for taking necessary step against him as he flouted the condition of the bond which he furnished on 29.12.18.

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Criminal Appeal No.07/19

Continuation of
order dated 11.08.22

Let a copy of this order sheet be sent to the ld. Judicial Magistrate, 1st Court for his information and taking necessary action against the convict Shyamapada Dhibar.

To **05.12.22** for causing appearance of Appellant Sibaram Dhibar by the surety Sukla John.

Dictated & corrected

ASJ

Additional Sessions Judge
Raghunathpur, Purulia