

DI. September
22. 13, 2021

C.R.A. 127 of 2021

In the matter of : An application for bail under Section 389 of the Code of Criminal Procedure, 1973 filed under C.R.A.N. 1 of 2021 on July 26, 2021;

And

In the matter of : Gurupada Mahato @ Guru ...appellant/petitioner.
(in Jail custody)

Versus

State of West Bengal ...opposite party.

Mr. Mrityunjoy Chatterjee,
Mr. Md. Golam Nure Islam,
Mr. Susnigdho Bhattacharyya,
Mr. Ashim Debnath,
Mr. Debpriyo Majumder,
...for the petitioner.

Mr. Neguige Ahmed,
Mr. N. P. Agarwal,
Ms. Trina Mitra,
...for the State.

This is an application for suspension of sentence and grant of bail in connection with an appeal preferred by the appellant against the judgment and order of conviction and sentence passed by the learned Additional Sessions Judge at Raghunathpur, Purulia, in Sessions Trial No. 02(11) of 2016 arising out of Kashipur Police Station Case No. 55 of 2016 dated June 4, 2016 under Sections 302/450 of the Indian Penal Code.

The appellant/petitioner was convicted due to brutal commission of murder of the deceased established by the evidence of mother and sister of the victim in the trial. The evidence, prima facie, corroborates the commission of offence.

Having heard the learned advocates appearing for the parties

and considering the nature and gravity of the offence and involvement of the petitioner in the commission of the alleged offence, we are not inclined in suspending the sentence imposed upon the petitioner during the pendency of the instant appeal, although the petitioner was on bail during the trial.

However, as prayed for, let the hearing of the appeal be expedited.

It appears that by the order dated May 5, 2021, the Chief Justice (Acting) directed that the lower court records be called for and the paper books be prepared within four weeks from the date of receipt of the lower court records.

We are informed that the lower court records of this case have not been arrived. In view thereof, the learned Additional Sessions Judge at Raghunathpur, Purulia, is requested to ensure transmission of the lower court records relating to Sessions Trial No. 02(11)/16 corresponding to Sessions Case No. 26 of 2016 on or before October 8, 2021.

The department concerned is directed to see that the requisite number of paper books is prepared by November 30, 2021.

The petitioner shall be at liberty to mention the appeal for early hearing.

We make it clear that the observations made in this order are prima facie and shall not influence in any way the disposal of the appeal.

Accordingly, the application for suspension of sentence filed under C.R.A.N. 1 of 2021 stands disposed of.

dns

(Rabindranath Samanta, J.)

(Soumen Sen, J.)

