

3.3.2025
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Ct. no. 3
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CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRA (SB) 6 of 2025

Pradip Kabiraj
Vs.
The State of West Bengal & Anr.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Sayantani Das ...for the Appellant

This appeal has been preferred against the judgment and order dated 22nd January, 2025 passed by the learned Additional District & Sessions Judge, 2nd Court, Jalpaiguri. By the impugned judgement and order, learned Trial Court convicted the appellant and sentenced to suffer rigorous imprisonment for seven years and also to pay fine.

Being aggrieved by that order, learned counsel for the appellant submits that the learned Trial court failed to appreciate that first information report was lodged after lapse of some days without any proper explanation and the victim in her deposition, has stated that she was subjected to penetrative sexual assault but medico legal examination report does not support the case of the victim. In fact, the appellant herein has been convicted on the basis of presumption and without appreciating Section 29 of the Act in its proper perspective.

He further submits that the impugned judgment and order is suffering from various illegalities and infirmities which the appellant wants to agitate at the time of hearing of the appeal and he has every reason to believe that he will succeed in the appeal.

Having considered the submissions of the appellant, the appeal is admitted.

Issue usual notices.

Call for the lower court records.

Department is directed to prepare requisite number of paper books immediately on receipt of lower court records.

Liberty is given to the appellant to pray for suspension of sentence.

Liberty is also given to the appellant to mention the matter after preparation of paper books.

(Dr. Ajoy Kumar Mukherjee, J.)