

THE HIGH COURT OF TRIPURA
AGARTALA

Crl. Rev. P. No.87 of 2008

Sri Dipak Lal Saha
son of late Ashutosh Saha,
resident of Arjya Colony,
P.S. Belonia, District-South Tripura

..... **Petitioner**

- Vs -

The State of Tripura,
represented by the Secretary,
Department of Home,
Government of Tripura,
Agartala

.....**Respondent**

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner	: Mr. A.C. Bhowmik, Senior Advocate Mr. D.C. Roy, Advocate
For the respondent	: Mr. A. Ghosh, Public Prosecutor
Date of hearing and delivery of judgment & order	: 24.04.2015
Whether fit for reporting	: NO

JUDGMENT & ORDER (ORAL)

Heard Mr. A.C. Bhowmik, learned senior counsel assisted by Mr. D.C. Roy, learned counsel appearing for the petitioner as well as Mr. A. Ghosh, learned Public Prosecutor appearing for the respondent.

02. The petitioner has filed one affidavit today expressing his remorse and tendering unconditional apology to his wife who is the victim of the offence. The affidavit is made part to this record. From the affidavit as well as from the statement of the victim as recorded in the trial, it has appeared before the court that both the

victim, the wife of the petitioner and the petitioner are living together even after the offence has been committed. The petitioner has got a marriageable daughter and a son who is now studying.

03. After trial, the petitioner has been convicted under Section 498-A of the I.P.C. and sentenced to suffer R.I. for two years and to pay a fine of rupees five thousand, in default of payment of fine to suffer SI for three months.

04. The petitioner challenged that judgment of conviction by filing an appeal in the Court of the Addl. Sessions Judge, South Tripura, Belonia being Criminal Appeal No.12(3) of 2008.

05. By the impugned judgment dated 16.09.2008 the said appeal was dismissed. However, the sentence has been modified in the following manner:

"Convict is sentenced to suffer 1(one) year R.I. and to pay fine of Rs.50,000/- (Rupees fifty thousand only) i.d. to suffer 6 (six) months S.I."

06. Mr. Bhowmik, learned senior counsel has submitted that the incident occurred on sudden altercation and there was no continuation of the offence as alleged.

07. Be that as it may, this court in exercise of its inherent power under Section 482 and having looked into the remorse expressed by the petitioner though is not inclined to interfere with the judgment of conviction but is inclined to extend the benefit of Section 360 of the Cr.P.C. by releasing the petitioner on probation. For that purpose the petitioner shall execute the bond of good conduct for a period of one year, which the petitioner shall execute

before the trial court. Such bond shall be supported by one surety of the amount of Rs.10,000/-(Rupees ten thousand) and be furnished within a period of two months from today. The petitioner shall open a term deposit for an amount of Rs.50,000/- (Rupees fifty thousand) in the name of the victim, namely Smt. Chhabi Rani Saha in a nearby nationalised bank for a period of three years and he shall hand over the original copy of the term deposit to the victim within the said period of two months. However a copy of the said term deposit along with a petition to be submitted before the trial court as token of compliance of this direction. This shall be part of good conduct of the petitioner. If the petitioner fails to maintain the good conduct at any point of time and if any adverse report is filed by the Probation Officer, immediately this probation as granted to the petitioner shall stand revoked and the petitioner shall be booked to suffer the sentence as has been awarded by the impugned order. The bond shall be executed in the Court of the Chief Judicial Magistrate, South Tripura, Belonia within stipulated period.

A copy of this order be given to the petitioner free of cost.

The record be sent immediately to the Court of the Chief Judicial Magistrate, South Tripura, Belonia.

JUDGE

MB