

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRL. REV. P. NO.134 OF 2007

Sri Sudip Ch. Shil,
S/O Sri Jadu Gopal Shil of
Baulapassa, P.S. Kailashahar,
Kailashahar, North Tripura.

..... *Petitioner*

- *Vs* -

The State of Tripura

..... *Respondent*

**BEFORE
THE HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner : Mr. P. Roy Barman, Advocate
Mr. K. Nath, Advocate.

For the respondent : Mr. R.C. Debnath, Addl. P.P.

Date of hearing and
delivery of
Judgment & order : **10.12.2015**

Whether Fit for Reporting :

Yes	No
	✓

JUDGMENT & ORDER(ORAL)

This revisional application is directed against the judgment and order dated 22.11.2007 passed by learned Addl. Sessions Judge, Kailashahar, North Tripura in Criminal Appeal No.07(3)/07, whereunder the learned Addl. Sessions Judge upheld the judgment and order of conviction and sentence dated 29.06.2007 passed by learned Chief Judicial Magistrate, North

Tripura, Kailashahar in case No.G.R.89/1999 with modification of sentence.

2. Heard learned counsel, Mr. P. Roy Barman for the accused-petitioner and learned Addl. P.P., Mr. R.C. Debnath for the State respondent.

3. Prosecution case is that on 25.04.1999 at about 5.00/5.15 PM, PW1, the victim Satyajit Shil was gossiping with his friends sitting in front of the saloon of Chandan Shil(PW4) and at that time accused-petitioner Sudip Shil appeared there with a container carrying liquid substance and on all a sudden threw acid aiming the face and body of the victim Satyajit Shil and as a result Satyajit received severe acid burn injuries and he was shifted to Kailashahar hospital where he undergone treatment. His face was disfigured because of acid burn.

FIR was lodged and Kailashahar P.S. Case No.43 of 1999 under Section 326 of IPC was registered. After investigation police submitted charge sheet and trial was taken up by learned Chief Judicial Magistrate.

4. In course of trial prosecution examined fourteen witnesses, including the victim Satyajit Shil and other eyewitnesses. Medical officers who examined the victim have also been examined as PW9 and PW13.

After closure of the prosecution evidence accused was examined under Section 313 of CrPC and he adduced no defence evidence. The accused pleaded innocence and further stated that the victim sustained injury because of his own fault and that the accused did not throw acid to the victim.

The trial Court considering the evidence on record found the accused-petitioner guilty of the charge framed under Section 326 of IPC and sentenced him to suffer RI for seven years and to pay a fine of ₹40,000/-, in default of payment of fine to suffer further SI for two years.

5. Aggrieved, the accused-petitioner preferred criminal appeal No.7(3) of 2007 and the learned Addl. Sessions Judge, Kailashahar while upholding the conviction reduced the sentence to suffer RI for six years and to pay a fine of ₹25,000/-, in default of payment of fine to suffer RI for one year.

6. Learned counsel, Mr. Roy Barman has submitted that the witnesses made parrot-like statement which suggests that the story as stated may not be correct. He has also submitted that the accused already suffered a lot from 1999 having punishment on his head and so the period of sentence may be reduced.

7. Learned Addl. P.P. has submitted that if the sentence of imprisonment is reduced to any extent, fine may be increased.

8. While considering a revisional application the revisional Court is to see the correctness, legality and propriety of the judgment/order passed by the inferior Courts and regularity of the proceedings before such Courts. Ordinarily, the revisional Court is not required to re-appreciate the evidence unless perversity in respect of appreciation of evidence is alleged.

9. In the present case, as I find the trial Court and the appellate Court meticulously considered the evidence on record and there is overwhelming evidence which proves the fact beyond reasonable doubt that the accused voluntarily threw acid on the victim Satyajit, as a result of which Satyajit received severe acid burn injuries and his face has been disfigured. There is no infirmity in the judgment passed by the trial Court as well as the appellate Court. I, therefore find no reason at all to re-appreciate the evidence which is found to be correctly appreciated by both the Courts below.

10. The appellate Court already reduced the sentence to six years RI from the sentence of seven years RI awarded by the trial Court. Considering the submission of learned counsel of both side and considering the fact that the accused-petitioner has suffered mental agony in the meantime, the period of imprisonment is reduced to five years RI and the fine is increased to ₹50,000/-.

11. Accordingly, it is hereby ordered that the accused-petitioner Sudip Shil shall suffer RI for 5(five) years and shall pay a fine of ₹50,000/-, in default of payment of fine shall suffer further RI for 1(one) year 6(six) months.

12. Subject to the modification of sentence as indicated above, the revisional application stands dismissed.

13. Send back the LCRs along with a copy of this judgment.

JUDGE