

Party Name : SUDIP CH. SHIL Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.C.DAS

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

Considering the submission of learned counsel of both side, the matter is taken up for disposal at the motion stage itself.

It is submitted by Mr. Roy Barman, learned counsel for the petitioner that the petitioner was convicted by learned Chief Judicial Magistrate, North Tripura, Kailashahar for commission of offence punishable under Section 326 of IPC in connection with Case No. GR 89 of 1999 and was sentenced to suffer R.I. for seven years and to pay a fine of Rs.40,000/-, in default to suffer S.I. for two years.

Aggrieved, the petitioner preferred Criminal Appeal No.07(3) of 2007 in the Court of learned Sessions Judge and the learned Sessions Judge by Judgment dated 22.11.2007 disposed the criminal appeal upholding the conviction, but reduced the sentence to suffer R.I. for six years from R.I. for seven years and also the fine money from Rs.40,000/- to Rs.20,000/-.

Aggrieved, the petitioner preferred Criminal Revision Petition No. 134 of 2007 before this Court and the revisional application was admitted for hearing.

There was some communication gap between the petitioner and the learned counsel engaged here to conduct the case and as a result on the date fixed for hearing of the revisional application it was submitted on behalf of the petitioner that the petitioner already served out the sentence and because of such submission made by learned counsel of the petitioner in presence of learned Additional P.P., by order dated 10.11.2014 this Court disposed the revisional application observing that it has become infructuous. It is submitted by learned counsel, Mr. Roy Barman that the petitioner has not yet served out the sentence and, therefore, prays for hearing of the revisional application on merit.

Under the circumstances as submitted by learned counsel of both side, I think order dated 10.11.2014 passed in Crl. Rev. P. No. 134 of 2007 should be recalled. Ordered accordingly. The revisional application, i.e. Crl. Rev. P. No.134 of 2007 be restored in its original file and be placed for hearing in its usual course.

The Registry is directed to act accordingly.

The present criminal petition accordingly stands disposed of.