

23.06.2021

Item No.5
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1112 of 1994
(Via Video Conference)

M/s. Usha Tea Co. & Anr.
versus
The Corporation of Calcutta & Ors.

In Re: An Application filed under Sections 401 and 482 read with Section 397 of the Code of Criminal Procedure, 1973.

Mr. Arindam Jana ... For the Petitioners.

Mr. Goutam Dinda,
Mr. Anindya Sundar Chatterjee ... For the K.M.C.

Md. Anwar Hossain,
Ms. Sreyashee Biswas ... For the State.

Mr. Arindam Jana, learned advocate appears for the petitioners.

Mr. Anwar Hossain, learned advocate along with Ms. Sreyashee Biswas, learned advocate appears for the State.

Mr. Goutam Dinda, learned advocate along with Mr. Anindya Sundar Chatterjee, learned advocate appears for the K.M.C.

An affidavit has been filed on behalf of the petitioners which reflects that a sum of Rs.50,000/- (Rupees fifty thousand only) was deposited by way of fine with the learned Senior Municipal Magistrate, Calcutta on 21.06.2021. This deposit has been made pursuant to the order dated 16.06.2021.

As the complaint is of the year 1982 and the petitioners have been suffering from mental agony for almost 39 years, by exercising power under Section 482 of the Code of

Criminal Procedure, I alter the sentence which was imposed by the Senior Municipal Magistrate, Calcutta in Case No. 4D of 1982 and affirmed by the learned Sessions Judge, VIIIth Bench, City Sessions Court, Calcutta in Criminal Appeal No. 23 of 1991. The fine amount of Rs.50,000/- so deposited will be considered as a punitive measure and the sentence would be treated as already undergone in this case. 90% of the fine amount so deposited be forwarded to the appropriate authority of the K.M.C. for development of human health aspect of the citizens of Kolkata.

This order is restricted to the facts of this case and will not have any binding effect on any other case.

Affidavit filed on behalf of the petitioners be kept with the record.

With the aforesaid observations, CRR 1112 of 1994 is partly allowed.

Interim order, if any, is infructuous in view of the orders which have been passed by this Court.

All connected applications are disposed of.

Department is directed to communicate this order to the learned court below.

LCR(s) be sent down to court below immediately

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)