

09.06.2021
SI No.16
Ct. No.34
S.De

CRR 418 of 2003

Nandadulal Kumar.
Versus
The State of West Bengal.

Mr. Abhra Mukherjee
Mr. S. Dutta ...for the petitioner.

Mr. Bidyut Kr. Ray,
Mr. Ashok Das ...for the State.

Mr. Mukherjee, learned advocate appears on behalf of the petitioner.

Mr. Bidyut Kr. Ray along with Mr. Ashok Das appears on behalf of the State.

The learned advocate for the State argues that the offence committed under Section 33(1)(a) of the Indian Forest Act entitles the Court to impose a sentence of one year or fine which may extend to one thousand rupees.

Mr. Mukherjee, learned advocate for the petitioner submits that the incident complained of is on 24th October 1989 which is almost thirty-one years ago. The present petitioner by this time has become a senior citizen.

Having regard to the nature of offence committed and the pendency of the case for thirty one years, I am of the view that an opportunity must be granted to the petitioner to amend himself. As such I direct the sentence so imposed should be altered, accordingly. The petitioner shall pay a fine of Rs. 1,000/-

(rupees one thousand only) within 15.09.2021 before the learned Chief Judicial Magistrate, Purulia in addition to a compensation of Rs. 10,000/- (rupees ten thousand only) to be deposited with the same Court within the same time, in default, the sentence so earlier imposed in connection with T.R. 10 of 1994 arising out of Forest Case No.6 of 1990 would revive and the petitioner would be sent to correctional home.

It is further directed that the compensation amount of Rs. 10,000/- (rupees ten thousand only) if paid, should be forwarded by the learned Chief Judicial Magistrate to the appropriate department of the Forest of the concerned area which would be utilized for its development.

This order is restricted to the facts of the present case only and will not have any binding effect.

With the aforesaid observations CRR 418 of 2003 along with all connected applications are disposed of.

Let Lower Court Records be sent down to the Court below forthwith.

All parties are directed to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)