

15.07.2021
Item no.9
Ct. No.34
CHC

C.R.R. No.1445 of 1993

(Through video Conference)

In Re: An application under Sections 401/482 of the Code of Criminal Procedure.

AND

In the matter of:-

Saroj Kumar Chakraborty
... petitioner

Mr. Amitava Karmakar
...for the petitioner

Mr. Bidyut Kumar Roy,
Mr. Ashok Das
...for the State

Pursuant to the direction of this Court Mr. Karmakar, learned advocate appearing for the petitioner files supplementary affidavit enclosing the copy of the challan, wherein, Rs. Rs.1,05,000/- (Rupees One Lakh Five Thousand) was deposited with the Learned C.M.M., Calcutta.

The present revisional application was preferred in respect of judgement and order of conviction and sentence passed by the learned Metropolitan Magistrate, Calcutta, in the year 1986. The said order was affirmed by the learned Judge, 3rd Bench, City Sessions Court, Calcutta, in the year 1993. The sentence which was imposed in this case was as follows:-

- i) rigorous imprisonment for two years for the offence under Section 304A of the Indian Penal Code;

- ii) sentence of six months imprisonment for the offence under Section 337 of the Indian Penal Code;
- iii) no separate sentence was imposed under Section 279 of the Indian Penal Code.

Records reflect that the offence was committed in the year 1980. In view of the judgement of the Hon'ble Apex Court in ***Prakash Chandra Agnihotri vs. State of Madhya Pradesh*** reported in **1990 Supp Supreme Court Cases 764** and ***Trilok Chand vs. State of Himachal Pradesh*** reported in **(2020) 10 Supreme Court Cases 763**, I am of the view that no useful purpose would be served by sending the person to jail after 41 years and as such the sentence so imposed is converted into fine only. The amount so deposited with the Learned C.M.M., Calcutta would be considered to be a fine which has been deposited in connection with the instant case. 90% of the fine amount so deposited would be reimbursed to the Traffic Department of Kolkata Police for upliftment or improvement of the said department.

With the aforesaid observations, C.R.R.1445 of 1993 is partly allowed.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)