

03.08.2021
Item no.8
Ct. No.34
CHC

C.R.R. No.1290 of 2012

(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Chandan Das

... petitioner

Mr. Soumik Ganguli

...for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Arijit Ganguly

...for the State

The present revisional application was preferred against the order of dismissal by the learned Additional Sessions Judge, 2nd Court, Bankura, in Criminal Appeal No.5 of 2011.

Records reflect that the present petitioner was held guilty for commission of offence punishable under Sections 279 and 304A of the Indian Penal Code and was sentenced as follows:

- i) rigorous imprisonment for two months for the offence punishable under Section 279 of the Indian Penal Code,
- ii) rigorous imprisonment for six months for the offence punishable under Section 304A of the Indian Penal Code.

Records reflect that the offence was committed on 14.04.2006. In view of the judgment of the Hon'ble Apex Court in case of **Trilok Chand vs. State of Himachal Pradesh** reported in (2020)

10 SCC 763, I am of the view that no fruitful purpose would be served by sending the petitioner to jail at this stage after 15 years of incident. As such, the sentence so awarded be converted into fine.

The petitioner is directed to deposit a fine of Rs.5,000/- with the learned Chief Judicial Magistrate, Bankura by 03.09.2021 in the alternative, the original sentence so affirmed by the learned sessions court would revive.

With the aforesaid observations C.R.R.1290 of 2012 is disposed of.

Pending application, if any, is 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.)