

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRA 278 of 2014

Rintu Sk.

-Vs-

State of West Bengal

With

CRA 364 of 2014

Hayet Ali

Vs. State of West Bengal

For the Appellant: Mr. Tapan Dutta Gupta,
Mr. Parvej Anam.

For the State: Mr. Ranabir Roy Chowdhury,
Ms. Faria Hossain.

Heard on: March 10, 2021.

Judgment on: March 16, 2021.

BIBEK CHAUDHURI, J. : –

1. The appellant in jail has filed the instant appeal assailing the judgment and order of conviction and sentence dated 10th March, 2014, 11th March, 2014 and 12th March, 2014 passed by the learned Additional Sessions Judge, 3rd Court at Malda in Sessions Trial No.22 of 2013 arising out of Sessions Case No.207 of 2013.

2. The appellant was sentenced to undergo rigorous imprisonment for seven years and also pay fine of Rs.5000/- in default to undergo simple imprisonment for another period of six months for committing offence punishable under Section 789C of the Indian Penal Code.

3. At the time of argument, it is submitted by Mr. Tapan Dutta, learned Advocate for the appellant that the accused was arrested on 12th February, 2013 since then he is custody. The appellant has suffered the entire sentence passed by the learned trial judge in the impugned judgment and order of conviction.

4. Therefore he is entitled to be released.

5. It is ascertained from the impugned judgment that the appellant was all along in judicial custody from the date of his arrest till the date of delivery of judgment on 12th March, 2014. Subsequently, he was sent to the correctional home to suffer sentence. Therefore, as on this date the appellant suffered the entire period of rigorous imprisonment as well as imprisonment for nonpayment of fine.

6. Therefore, the instant appeal is dismissed on contest.

7. The judgment and order of conviction and sentence passed by the learned trial judge in Sessions Trial No.22 of 2013 arising out of Sessions Case No.207 of 2013 is affirmed.

8. Let a copy of this judgment be sent to the learned Court below with a specific direction to verify from the correctional home as to whether the appellant has been released or not.

9. If he is not released, necessary order be passed for his immediate release on sufferance of entire period of sentence.

(Bibek Chaudhuri, J.)