

D/L 1
April 28,
2022
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C.R.R. No.91 of 2014
With
CRAN 5 of 2017 (Old CRAN 5471 of 2017)

In Re: An application under Section 401 of the Code of Criminal
Procedure;

Simanta Bauri & Ors.
Versus
The State of West Bengal & Anr.

Mr. Sabir Ahmed,
Ms. Pampa Dey (Dhabal).
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly,
Ms. Manisha Sharma.
...for the State.

The subject matter of challenge relates to an order dated 19.09.2013 passed by the learned Sessions Judge, Bankura, in Criminal Appeal No.11 of 2013 arising out of Bishnupur Police Station Case No.60/08 dated 26.06.2008 under Sections 341/323/506/34 of the Indian Penal Code.

The learned ACJM, Bishnupur, on conclusion of trial and on appreciation of evidence, arrived at a finding of guilt under Section 323 of the Indian Penal Code so far as the present petitioners are concerned and sentenced them to suffer one month rigorous imprisonment.

The petitioners preferred an appeal before the learned Sessions Judge, Bankura. The learned Sessions Judge, Bankura by a judgment and order dated 19.09.2013 was pleased to dismiss Criminal Appeal No.11 of 2013, thereby affirming the order of

conviction and sentence passed by the learned ACJM, Bishnupur.

I do not find in the revisional application any question of law being involved.

Having regard to the fact that the incident refers to the year 2008 and more than 14 years have passed since then for which the petitioners have been suffering mental agony, I am of the considered view that no useful purpose would be served by sending them to jail at this stage. Accordingly, the sentence is modified and altered to one of fine, which was not imposed by the learned Magistrate.

Accordingly, each of the petitioners before this Court would pay a fine of Rs.25,000/- which would be deposited before the learned ACJM, Bishnupur, by 20th May, 2022. In case such fine is not deposited within the period, as aforesaid, the learned Magistrate would exhaust the process of law for recovery of the same. 90% of the fine amount should be given to the persons who have suffered injury which would be assessed by the learned ACJM, Bishnupur by way of inspection of the records.

With the aforesaid observations, CRR 91 of 2014 is disposed of.

Pending application, if any, is consequently disposed of.

The interim order would continue till 20th May, 2022.

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

(Tirthankar Ghosh, J.)

