

CRR 421 of 2010

In the matter of : Sk. Mustak Ali

Mr. N.P. Agarwala

Mr. P. Bose

... for the State

None is found present on behalf of the petitioner.

In View of the order dated 06.12.2022 I am inclined to dispose of the matter on merit without adjourning it suo moto otherwise it would inject further lethargy to the indolent petitioner.

This criminal revision is directed against the judgement and order passed by the learned Additional District and Sessions Judge, 3rd F.T.C. Bichar Bhawan, Calcutta in Criminal Revision No. 167 of 2008 affirming thereby the judgement and order of conviction passed by the 11th Court of Metropolitan Magistrate, Calcutta sentencing the accused person to suffer simple imprisonment for one month and to pay compensation to the tune of Rs.30,000/-. The petitioner challenged the judgement of the learned 11th Court of Metropolitan Magistrate before the learned Additional District and Sessions Judge, 3rd F.T.C. Bichar Bhawan, Calcutta. Learned Sessions Judge was pleased to enhance sentence and thereby directed the petitioner to undergo imprisonment for three months instead of one month and to pay compensation of Rs.40,000/- instead of Rs. 30,000/- but without issuing any rule.

In my view learned Sessions Judge, has failed to exercise the jurisdiction vested upon the Court properly the sentencing part of the impugned judgement requires modification.

There is no other reason to be in disagreement with the view expressed by the learned Appellate Court. The petitioner shall have to undergo simple imprisonment for one month and to pay compensation to the tune of Rs.30,000/- as was imposed by the learned Trial Court.

Thus, the criminal revision is disposed of.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)