

CRR 723 of 2005
CRAN 1 of 2006

In the matter of : Afjal Hossain

Mr. Prabir Majumder
Mr. S. Majumder ... for the petitioner

Mr. N. P. Agarwal
Mr. Pratick Bose ... for the State

This revisional application is directed against the judgment passed by the learned Additional Sessions Judge, Fast Track Court-I, Krishnanagar, Nadia in Criminal Appeal No. 20 of 2004 affirming the judgement passed by the learned Chief Judicial Magistrate, Nadia in Complaint Case No. 321(C) of 1999 registered under Sections 16(1)(a)(ii) of the Prevention of Food Adulteration Act. The learned Trial Court having considered the materials made available, recorded an order of conviction directing the petitioner to undergo simple imprisonment of six months and to pay a fine of Rs.5,000/- with a default clause which has been affirmed by the learned Additional Sessions Judge, Fast Track Court-I. The impugned order was passed by learned Appellate Court on 28th February, 2005 while the proceeding was initiated in the year 1999.

In view of the concurrent findings of the learned Trial Court and learned Appellate Court below, I do not find any reason to interfere with the order of conviction. However, considering, the passage of time elapsed, I am of the view that ends of justice

would be met if the petitioner is directed to pay a fine of Rs.5,000/- instead of asking him to serve out the sentence. The judgement of learned Trial Court duly affirmed by the learned Appellate Court is thus modified.

The petitioner shall pay the fine within 10 days from date before the learned Chief Judicial Magistrate, Nadia failing which the petitioner shall have to serve sentence. If necessary, learned Chief Judicial Magistrate, Nadia shall open a skeleton record and receive fine.

The revisional application is thus disposed of.

The interlocutory application, if any stands disposed of.

Parties to act on server copy of the order.

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

(Siddhartha Roy Chowdhury, J.)