

18.07.2022

Item No.31
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1115 of 2004

**Rabindra Nath Das & Anr.
versus
The State & Anr.**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Prabir Majumder,
Mr. Snehansu Majumder ... For the Petitioner.

Petitioners challenge the order of appellate court passed by learned Additional Sessions Judge, Fast Track Court, Ranaghat in Criminal Appeal No. 19 of 2002.

Records reflect that learned Sub-Divisional Judicial Magistrate, Ranaghat, Nadia was pleased to convict the present petitioners under Section 323 of the Indian Penal Code in connection with Case No. 56C of 2000. By the judgement dated 28.06.2002, the learned court was pleased to sentence the petitioners to suffer simple imprisonment for one month each and to pay fine of Rs.500/- each in default to suffer further imprisonment for 10 days each.

The appellate court on assessment of the evidence was pleased to affirm the judgement and order passed by the learned Judicial Magistrate by its judgement and order dated 09.03.2004 in Criminal Appeal No. 19 of 2002.

I have considered the facts of the case which is of the year 2000. More than 22 years have passed in the meantime. Having regard to the evidence which has surfaced in the

present case, I am of the opinion that no useful purpose would be served by sending the petitioners to prison. Accordingly, the sentence of the petitioners is modified to the extent that the period which has been served during the pendency of the trial and the appeal would be considered to be sufficient to have been served by the petitioners in connection with the instant case and would be considered to be the sentence which has undergone.

With the aforesaid observations, the revisional application being CRR 1115 of 2004 is partly allowed.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)