

28.09.2022

CRR 1781 of 2022

**Dilwar Hossain & Anr.
Vs.
The State of West Bengal and Anr.**

Mr. Malay Bhattacharyya , Adv.,
Mr. Subhrajyati Ghosh, Adv.

...for the petitioners

Mr. Arijit Ganguly, Adv.,
Mr. Bibhasan Bhattacharyya, Adv,

....For the State

The petitioners were convicted in GR Case No.4782 of 2019 and sentenced to suffer simple rigorous imprisonment for six months for commission of offence punishable under Sections 419/120B of the IPC. They were also sentenced to suffer simple imprisonment for four year and fine of Rs.20,000/- each for the offence punishable under Sections 420/120B of the IPC by the learned Chief Judicial Magistrate at Malda. The petitioners preferred an appeal against the said judgment of conviction and sentence which was registered as Criminal Appeal No.4 of 2021. The learned Additional Sessions Judge, 5th Court at Malda by his judgment dated 15th March, 2022 dismissed the said appeal on contest affirming the order of conviction and sentence passed by the learned Chief Judicial Magistrate at Malda.

The petitioners have assailed the judgment of conviction and sentence of affirmation by filing the instant revision. The instant revision was admitted by a Coordinate Bench of this Court vide order dated 6th June, 2022. In the said order, the petitioners were directed to serve a copy of the revisional application upon the learned P.P-in-Charge. The petitioners were also given liberty to file appropriate application for suspension of sentence.

Accordingly petitioners have filed the instant application (CRAN 1 of 2022) praying for suspension of sentence.

I have heard the learned Advocate for the petitioners and the P.P-in-Charge.

By virtue of the powers conferred to this Court under Section 397(1) of the Cr.P.C, execution of the sentence passed in GR case No.4782 of 2019 and affirmed in Criminal Appeal No. 4 of 2021 be suspended on petitioner's executing a bond of Rs.10,000/- each with two registered surities of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Malda till the disposal of the instant revision.

The application is accordingly dispose of.

(Bibek Chaudhuri, J.)