

**03.08.2022**

Item No.43  
Ct.No.34  
dc.

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

**C.R.R. 1287 of 2005**

**Manoranjan Saha  
versus  
The State & Anr.**

**In Re:** An Application under Sections 401 and/or 482 of the Code of Criminal Procedure.

Mr. Ayan Bhattacharjee,  
Mr. Somdev Ash ... For the Petitioner.

Mr. Saryati Datta ... For the State.

The present revisional application has been preferred challenging the judgement and order dated 31.03.2005 passed in Criminal Appeal No. 6 of 2004 by learned Additional Sessions Judge, Nadia dismissing the appeal in respect of an order of conviction and sentence passed in Case No. 1751C of 1999 by learned Chief Judicial Magistrate, Nadia under Section 16(1)(a)(ii) of the Prevention of Food Adulteration Act, 1954. By the said judgement and order of conviction, learned Chief Judicial Magistrate, Nadia was pleased to impose sentence of simple imprisonment for six months and to pay fine of Rs.4000/-, in default to suffer further simple imprisonment for one month.

So far as the factual appreciation of the case is concerned, the learned trial court scrutinized and assessed the evidence which was reconsidered and reiterated by the learned appellate court. As such, there is no manifest error which could be pointed out by the learned counsel appearing

for either side for interference in respect of the finding of guilt.

Accordingly, the order of conviction is affirmed. However, having regard to the fact that the incident is of the year 1999 and almost 23 years have passed in the meantime and relying upon the judgement of the Hon'ble Supreme Court in ***Trilok Chand Vs. State of Himachal Pradesh*** reported in ***(2020) 10 Supreme Court Cases 763*** that the sentence so imposed be reduced to fine only with a default clause, the petitioner is directed to deposit fine of Rs.15,000/- (Rupees fifteen thousand) by 31.08.2022 before the learned Chief Judicial Magistrate, Nadia.

In case, the said fine amount is not deposited within the date so fixed by this Court, the learned Chief Judicial Magistrate, Nadia would issue non-bailable warrant of arrest against the petitioner to serve out the sentence as was directed earlier in the judgement and order dated 29.11.2003 passed in Case No. 1751C of 1999.

The learned Chief Judicial Magistrate, Nadia is directed that in case the lower court records do not reach the trial court, a supplementary record may be created for the limited purpose of accepting the fine amount and further/subsequent proceedings, if so required.

With the aforesaid observations, the revisional application being CRR 1287 of 2005 is partly allowed.

Interim order, if any, is hereby vacated.

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

**Department** is directed to communicate this order to the learned Chief Judicial Magistrate, Nadia.

All parties including the learned Chief Judicial Magistrate, Nadia 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.)**