

29.08.2022

Item No.9
Ct.No.34
dc.

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

C.R.A. 362 of 2019

**Golam Molla @ Golam Martuja Molla
versus
The State of West Bengal & Anr.**

Ms. Kakali Chatterjee,
Mr. Debasish Chatterjee ... For the Appellant.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Mr. Anand Kesari ... For the State.

Report dated 25.08.2022 submitted by Ms. Faria Hossain, learned advocate appearing for the State be kept on record.

Report reflects that information was sent to the father of the victim/deceased.

Ms. Kakali Chatterjee, learned advocate appearing for the appellant submits an affidavit enclosing the deposit of Rs.1,00,000/- (Rupees one lakh only) before the jurisdictional court pursuant to the order dated 17.08.2022. The enclosed receipt has been affirmed along with the affidavit.

Records of the case reflect that the case was initiated on 18.05.2012 being Dhaniakhali Police Station Case No. 64 of 2012. The present appellant was convicted by the learned Sessions Judge in Sessions Case No. 122 of 2018/Sessions Trial No. 44 of 2018 (New C.I.S. No. S.C. 122/18) under Section 304A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of one year and to

pay a fine of Rs.10000/-, in default to suffer further simple imprisonment for another 20 days.

Having regard to the quantum of punishment so imposed by the learned sessions court in connection with the offence under Section 304A of the Indian Penal Code, the appellant was directed to deposit an enhanced fine of Rs.1,00,000/-. Pursuant to such direction passed by this Court on 17.08.2022, the said fine has already been deposited. Having regard to the compliance of the earlier order dated 17.08.2022 and the fact that the appellant has already suffered mental agony for about 10 years, I am of the opinion that no useful purpose will be served by sending the accused person to prison at this belated stage. Accordingly, the sentence so imposed by the learned sessions court is modified to fine of Rs.1,00,000/- with a condition that the appellant will furnish a bond before the learned Chief Judicial Magistrate, Hooghly (an amount which would be fixed by the learned Magistrate) with an undertaking that the appellant will not be entitled to any driving licence of any vehicle/two wheeler for a period of three years. If there is a licence already existing, the learned Chief Judicial Magistrate, Hooghly would direct the concerned RTAs to take steps for surrendering such licence.

In respect of the amount of Rs.1,00,000/-, so deposited, notice should be issued to the next kin of the victim so that on proper identification, the learned Magistrate would hand over whole of the amount as compensation.

With the aforesaid observations, CRA 362 of 2019 is disposed of.

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

Department is directed to send back the lower court records to the learned court below and communicate this order to the learned Chief Judicial Magistrate, Hooghly as well as the learned trial court immediately.

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.)