

D/L35
May 19,
2022
Bpg.

C.R.R. No.1769 of 2015
With
CRAN 1 of 2015 (Old CRAN 1609 of 2015)

In Re: An application under Section 401 of the Code of Criminal
Procedure;

Pradyut Kumar Saha
Versus
The State of West Bengal

Mr. Debabrata Roy,
Ms Karabi Roy,
Ms. Sarbani Mukhopadhyay.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly.
...for the State.

In Re: CRAN 1 of 2015 (Old CRAN 1609 of 2015)

Learned advocate appearing for the petitioner prays for
condonation of delay of 37 days in preferring this revisional
application.

The reasons so assigned in the application for
condonation of delay are found to be just and sufficient.
Accordingly, delay is condoned. The application being CRAN 1 of
2015 (Old CRAN 1609 of 2015) is, thus, allowed.

The revisional application was preferred pursuant to the
judgment and order dated 6.12.2014 passed by the learned
Additional Sessions Judge, Nabadwip, Nadia in Criminal Appeal
No.3 of 2013, wherein the learned court was pleased to affirm the
order of conviction and sentence dated 22.07.2013 passed by the
learned Judicial Magistrate, Nabadwip in G.R. Case No.75 of 2014.

Records reflect that the petitioner was convicted for the offence under Section 323 of the Indian Penal Code and sentenced to suffer a simple imprisonment for 15 days and to pay a fine of Rs.1,000/-, in default fine of Rs.1,000/- to suffer simple imprisonment for a further period of 15 days.

The incident referred to is of the year 2004. More than 17 years have passed in the meantime and having regard to the change of circumstances, I am of the opinion that no useful purpose would be served by sending the present petitioner to jail after such a long lapse of time.

Accordingly, the order dated 22.07.2013 passed by the learned Judicial Magistrate, Nabadwip, Nadia affirmed by the appellate court is modified and altered to a fine of Rs.5,000/- to be deposited before the learned trial court within a period of 15 days from the date of uploading of the order. Additionally, the petitioner would furnish a bond of Rs.15,000/- before the learned trial court being the learned Judicial Magistrate, Nabadwip, Nadia with an undertaking that he would maintain a good behaviour for a period of three years, i.e. till 31st May, 2025. In case the fine amount is not deposited as stated above, the learned Judicial Magistrate would exhaust the process of law for compelling appearance for serving out the sentence as earlier directed in the order dated 22.07.2013 by the learned trial court.

With the aforesaid directions, CRR 1769 of 2015 is disposed of.

Pending application, if any, is consequently disposed of.

Department is directed to send back the lower court records and intimate the order to the learned trial court for necessary action. It is further directed that in case the lower court records are not available before the learned Judicial Magistrate, a supplementary record be created for giving effect to the aforesaid order.

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

(Tirthankar Ghosh, J.)