

CRR 1854 of 2006

In the matter of : BHULU @ ARUN SAMANTA

This revisional application assails the judgement passed by the Additional Sessions Judge, Arambagh, Hooghly in Criminal Appeal No. 3 of 2005 affirming thereby the judgement and order of conviction passed by the learned Trial Court in G.R. Case No. 206/2001, T.R. No. 798/2001 convicting the petitioner for committing offence under Section 326 of the Indian Penal Code and Sentencing him to suffer simple imprisonment for six month and to pay a fine of Rs.3000/-.

None is appearing on behalf of the petitioner before this Court, therefore, I propose to dispose of the revisional application on the basis of material available with the record.

Briefly stated Sri Amarendra Nath Maity informed the Pursurah Police Station in writing about an incident that took place on 30.5.2001 at about 4 P.M. when the accused Bulu @ Arun Samanta and Gayaram Samanta started humiliating with abusive languages towards him as Amarendra voiced his protest, the accused persons assaulted him with a spade in his head. The blow landed on the left side of his head and the victim sustained with bleeding injury. He was taken to hospital. As the information disclosed offence cognizable in nature, police registered F.I.R. and after investigation submission of charge sheet against the accused persons under Sections 341/326/34 of the Indian Penal Code. On

16.3.2001 the learned Trial Court framed charge against the accused persons under Sections 341/326 read with Section 34 of I.P.C. The accused persons stood trial pleading their innocence. Learned Trial Court after considering the testimony of seven witnesses examined by the prosecution was pleased to hold that accused Bulu@ Arun Samanta was guilty of committing offence within the meaning of Section 326 while he recorded an order of acquittal against the other accused persons. Bulu Samanta was sentenced to suffer Simple Imprisonment for six months and to pay a fine of Rs.3,000/-. The petitioner before this Court made an unsuccessful attempt in appeal to get the order of conviction reversed.

I have perused the judgement passed by the learned Appellate Court, I do not find any reason to interfere with the concurrent views expressed by the learned Trial Court as well as learned Appellate Court, so far the order of conviction is concerned. However, since the incident took place twenty one years ago, I am of the view that ends of justice would be met if instead of asking the convict petitioner to spend six months in correctional home he is directed to pay a sum of Rs.20,000/- to the victim. The order of conviction and sentence is thus modified. The petitioner is directed to pay compensation within four weeks from this date, i.d. to suffer three months simple imprisonment.

With these observations, the criminal revision is disposed of.

The copy of the order be sent down to the learned Trial Court for information and to take coercive measure in case of non-compliance of this order on the part of the petitioner / convict. .

The parties shall act the server copy 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 completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)