

CRR 2201 of 2002

In the matter of : Jyotindra Nath Daradi

Mr. Prabir Majumder
Mr. Snehansu Majumder
Mr. Avik Chatterjee ... for the petitioner

Mr. Amajit De ... for the UOI

This proceeding comes out of an application under Section 401 read with Section 482 of the Code of Criminal Procedure filed by the petitioner challenging the judgment passed by the learned Appellate Court in Criminal Appeal No. 5 of 1999 affirming the order of conviction and sentence imposed by the learned Trial Court in case No. C/561 of 1994 for committing offence punishable under Section 3(a) of Railway Property (Unlawful possession) Act, 1966 and to suffer simple imprisonment for one year and to pay a fine of Rs.500/-.

Mr. Prabir Majumder, learned advocate appearing for the petitioner fairly submits that the order of conviction was passed on 12.11.1998 by the learned Trial Court and the Criminal Appeal was disposed of by the learned Appellate Court on 10th April, 2002. The petitioner has been enduring the trauma of the order of conviction and sentence for last twenty years.

Mr. Amajit De, learned advocate representing the Railway Authority submits that there is no infirmity to be found in the

judgment passed by the learned Trial Court affirmed by the learned Appellate Court. The petition may therefore dismissed.

In view of the concurrent findings of the learned Court below, I am not inclined to interfere with the order of conviction, however, considering the yawning gap of time from the date of disposal of the Criminal Appeal till this day. I am inclined to alter the order of sentence. In my view that ends of justice would be met if the petitioner is directed to pay a fine of Rs.2,000/- instead of asking him to serve out the sentence of improvement. The judgment of learned Trial Court duly affirmed by the learned Appellate Court is thus modified.

The petitioner shall pay the fine within 10th November, 2022 before the learned Additional Chief Judicial Magistrate, Krishnagar failing which the petitioner shall have to serve out sentence. If necessary, learned Additional Chief Judicial Magistrate, Krishnagar shall open a skeleton record and receive fine.

The revisional application is thus disposed of.

The interlocutory application, if any stands disposed of.

Parties to act on server copy of the order.

Let a copy of the order be sent to learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)