

IN THE HIGH COURT AT CALCUTTA
(CRIMINAL REVISIONAL JURISDICTION)

PRESENT:

THE HON'BLE JUSTICE SIDDHARTHA ROY CHOWDHURY

CRR 2467 of 2009

DURGA PRASAD CHOURASIA
VS.
STATE OF WEST BENGAL & ANR.

For the Petitioner	: Mr. Partha Sengupta, Adv. Mr. Subhrangsu Panda, Adv.
For the Opposite Parties	: Mr. Goutam Dinda, Adv. Mr. Anindya Sundar Chatterjee, Adv.
Hearing concluded on	: 9 th November, 2022
Judgement on	: 9 th November, 2022

Siddhartha Roy Chowdhury, J.:

1. This proceeding stems out of an application filed under Section 401 read with Section 482 of the Code of Criminal Procedure, challenging the judgement and order passed by learned Additional District & Sessions Judge, Fast Track Court No. 5, Calcutta affirming the order of conviction dated 28th August, 2008 passed by learned 2nd Municipal Magistrate, Kolkata in Case No. 2-D of 2007 under Sections 16 (1)(a)(i) read with Section 7 of the Prevention of Food Adulteration Act, 1954.
2. Learned 2nd Municipal Magistrate recorded an order of conviction against the petitioner and sentenced him to suffer simple imprisonment for six months and to pay fine of Rs. 1000/-.

3. The petitioner made an unsuccessful attempt to get the order of conviction reversed in an appeal; learned Appellate Court was pleased to dismiss the appeal and decided to maintain order of conviction.
4. In view of the concurrent finding of learned Trial Court as well as learned Appellate Court towards culpability of the petitioner in committing offence, I do not find any reason to interfere with the impugned judgement particularly when I do not find gross infirmities in the judgement passed by learned Courts below. Accordingly the order of conviction is affirmed. However, taken into consideration that the petitioner is suffering the proceeding for nearly 13 years, despite his right to have speedy justice, I am of the view that ends of justice would be met if the petitioner instead of being sent to Correctional Home is directed to deposit a sum Rs. 25,000/- by 30th November, 2022. In case of failure on the part of the petitioner to deposit fine the learned 2nd Municipal Magistrate will be at liberty to issue non-bailable warrant of arrest against the petitioner and to send him to Correctional Home for serving out the sentence as directed by the learned Trial Court on 28th August, 2008 in Case No. 2-D of 2007.
5. With the observation, the Revisional Application, being no. CRR 2467 of 2009, is disposed of.
6. Parties are to act on the server copy of this judgement duly downloaded from the official website of this Court.
7. The copy of the judgement be sent down to learned Trial Court for information and necessary action.

8. Urgent Photostat certified copy of this judgement, if applied for, should be made available to the parties upon compliance with the requisite formalities.

(SIDDHARTHA ROY CHOWDHURY, J.)