

26.08. 2022
item No.49
n.b.
ct. no. 42

CRR 2921 of 2022

Gopal Agarwal
Vs.
The State of West Bengal & Anr.

Mr. Ranjan Kali,
Ms. Mitul Chakraborty,
Ms. A. Maity,
Ms. M. Saha

.....for the Petitioner

The petitioner has filed the instant revision assailing the order dated May 10, 2022, fixed on June 6, 2022 and June 22, 2022 passed by the Learned Judicial Magistrate, 1st Class 5th Court, Howrah in case No. 800C/2011.

Indisputably, the status of the petitioner is that of convict in complaint case no.800C/2011(Original number being 1372C/2014), being a proceeding under Section 138 of the Code of Criminal Procedure. On conclusion of trial the Learned Magistrate passed an order of sentence directing the petitioner to pay a compensation of Rs.40,00000/-, in default to suffer imprisonment for a period of six months. The petitioner challenged the said order of conviction and sentence before the learned Sessions Judge, Howrah preferring an appeal being criminal appeal No.40/2018. The said appeal was also dismissed on contest by the Learned Additional Sessions Judge, 1st Court at Howrah. The order of conviction and sentence passed by the Learned Magistrate in case No.800C/2011.

The petitioner assailed the order of affirmation of the order of sentence passed in criminal appeal no.40 of 2018 by filing criminal

revision before this Court in CRR 2020 of 2019. The said revision is pending, but the petitioner has not prayed for stay of execution of the order of sentence till date in the said proceeding. In the meantime, warrant of arrest was issued against the petitioner for execution of sentence in case No.800C of 2011. The petitioner has assailed the order issuance of warrant of arrest.

Having heard the learned advocate for the petitioner and on perusal of the material on record, this Court finds that the instant revision is not maintainable in view of the fact that the efficacious relief for the petitioner lies in CRR 2020 of 2019.

In view of such circumstances, I do not find any merit in the instant revision, the same is summarily dismissed.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)