

14-12-2022
Subha
Item no.22
Court no. 34.

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side

CRA 352 of 2022

Gul Mohammad @ Munna
-vs-
State of West Bengal

In Re: An application for admission of appeal u/s. 374(2) Cr.P.C

Ms. Tuli Sinha
..for the appellant.

Mr. Md. Anwar Hossain
Ms. Manisha Sharma
....for the State.

Report submitted through the Registrar Administration (L & OM), High court, Calcutta be kept with the record.

The report reflects that the learned Chief Judge, City Sessions Court, Calcutta submitted his report reflecting that the fine amount has been deposited by the present appellant.

The present appellant pleaded guilty before the learned trial court and the learned trial court was pleased to direct the present appellant to be sentenced for a period of four years and a fine of Rs.2000/- i.d., to suffer rigorous imprisonment for two months for the offence punishable under Sections 489B/120B of the Indian Penal Code. The learned trial court was further pleased to impose rigorous imprisonment for three years and a fine amount of Rs.2000/- i.d., to suffer rigorous imprisonment for two months for the offence punishable under Sections 489C/120B of the Indian Penal Code.

By the said order, the learned trial court was pleased to direct that the sentences would run concurrently.

The appellant was apprehended on 1st May 2019 and was sent to the Presidency Correctional Home on 15th May, 2019 as is reflected from the report dated 18th August, 2022 submitted before this court by the Presidency Correctional Home, Alipore.

Having regard to the Jail Rules and the period of detention which has been undergone in respect of the sentence so imposed by the learned trial court after the appellant pleaded guilty, I am of the view that let the sentence be reduced to the period which has already been served out by the present appellant.

The appellant has already deposited the fine as is reflected from the report. If he is not wanted in connection with any other case, he may be released by the Jail Authorities forthwith.

Learned Registrar General, High Court, Calcutta is directed to communicate this order to the Superintendent of Presidency Correctional Home, Alipore, Kolkata – 700027 forthwith.

All parties including the Superintendent of Presidency Correctional Home, Alipore shall act in terms of the copy of this order downloaded from the official website of High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

