

29.9.2022
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SB
Ct. No.236

CRA 485 of 2017
CRAN 2 of 2018

In the matter of : Jaharlal Ghosh alias Pukari Ghosh

Mr. Navanil De
Mr. R. Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey ... for appellant

Mr. Swapan Banerjee
Mr. Suman De ... for the State

Pursuant to the direction given on 21.9.2022 Shri Rajdeep Narayan Roy and Shri Nani Gopal Mondal both the victims are found present. They are supporting the contention of the appellant / convict about the compromise arrived at.

Challenging the legality of the judgement and order of conviction passed by the learned Additional Sessions Judge, 3rd Fast Track Court (in-charge), Berhampore, Murshidabad the convict Jaharlal Ghosh @ Pukari Ghosh has preferred this appeal. The criminal proceeding was set in motion on the basis of the information given by Shri Dipak Narayan Roy, father of Rajdeep Narayan Roy, P.W. 2 stating inter alia that the appellant on the date of incident i.e. on 05.5.2006 came in front of his house and abused him. Subsequently he came back being armed with weapon and made an attempt to assault the informant Shri Dipak Narayan Roy. Rajdeep being the son of the informant and Nani Gopal Mondal a neighbor made an attempt to resist the assailant and earned the wrath of the assailant who landed blows of a sharp

cutting weapon on the person of both Rajdeep and Nani Gopal and made them sustain injuries. Both the victims adduced evidence and their testimony as P.Ws. 2 and 3 are found to have been corroborated by the oral testimony of medical officers and attending doctors like P.Ws. 6, 7, 8 and 9. All the witnesses have stood the test of cross-examination.

I do not find any infirmity in the judgement passed by the learned Trial Court in recording the order of conviction. However, taking into consideration that the victims and the assailants have entered into a compromise, I am inclined to alter the sentence imposed upon the convict / appellant maintaining the order of conviction.

In my view the ends of justice would be met if the convict is sentenced to suffer imprisonment for this period already undergone and to pay a fine of Rs. 25,000/-.

It is submitted by Mr. De, the learned counsel representing the appellant that inconsonance with the direction given by this Court to the appellant while enlarging him on bail the appellant has deposited the National Savings Certificate of Rs.50,000/- and a Title Deed with the learned Registrar General of this Court. Learned Registrar General is requested to release the documents in favour of the person who deposited the same, being approached therefor on proper identification.

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

The appeal and the applications, are thus, disposed of.

Parties shall act upon serve copy of the order downloaded
from the official website of this Court.

(Siddhartha Roy Chowdhury, J.)