

30.09.2022
Item No.01
BR
Ct.42

CRR 3626 of 2022

Pran Gopal Saha
Vs.
State of West Bengal and anr.

Mr. Debasis Kar
Mr. Husen Mustafi

...for the petitioner

The petitioner, a convict whose order of conviction and sentence was affirmed by this Court for the offence punishable under Section 7 (1)(a)(ii) of the Essential Commodities Act, 1955 has approached this Court under Section 482 of the Code of Criminal Procedure for stay of warrant of arrest issued against him on 18th July, 2016 by the Court of trial in Special Case No. 99 of 1987.

It appears from the record that the petitioner was initially convicted for the offence punishable under Section 7 (1)(a)(ii) of the Essential Commodities Act and sentence to suffer rigorous imprisonment for six months and to pay fine of Rs. 500/-, in default, rigorous imprisonment for one month more. The petitioner challenged the said judgment and order of conviction and sentence before this Court in CRA No. 331 of 1990. The appeal was dismissed on contest on 3rd May, 2016 affirming the order of conviction passed by the trial Court in the aforesaid case. This Court modify the sentence in the following manner:-

That the petitioner would suffer rigorous imprisonment for three months and shall pay fine of Rs. 5,000/- , in default, to suffer rigorous imprisonment for one month more. The petitioner was directed to surrender before the trial Court to serve out the sentence .

In spite of the order being made on contest in the aforesaid criminal appeal, the petitioner did not surrender before the trial Court. Thereafter the trial Court issued warrant of arrest against the petitioner for the purpose of serve sentence on 18th July, 2016. In the meantime six years have elapsed but till date the petitioner husband able to successfully evade the execution of warrant of arrest.

At present the petitioner has filed the instant application praying for stay of execution of warrant of arrest issued on 18th July, 2016 and in order to provide him some opportunity to surrender before the trial Court.

The conduct of the petitioner does not inspire this Court to take any lenient approach against him. Therefore, I do not find any merit in the instant revision and accordingly the same is summarily dismissed.

(Bibek Chaudhuri, J.)