

11.11.2022
Item No.1
BR

CRR 3656 of 2009

Malay Kumar Gangopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Manna
... for the Petitioner

Mr. Narayan Prasad Agarwal,
Mr. Pratick Bose for the State

This revisional application is directed against the judgment and order passed by learned Additional Sessions Judge, 3rd Court, Hooghly in Criminal Appeal No. 2 of 2008 affirming the order of conviction as well as sentence passed by learned Judicial Magistrate, 2nd Court, Hooghly in CR case No. 65 of 2005 whereby the convict/petitioner has been sentenced to suffer simple imprisonment for one year and to pay compensation of Rs. 20,000/- to the complainant

Briefly stated on 23rd September, 2009 while admitting the application for revision direction was given to the convict/petitioner to pay the cheque amount equivalent to sum of Rs. 13000/- to the opposite party no. 2 before 21st October, 2009 which was complied with.

Mr. Biswajit Manna , learned counsel representing the petitioner with all fairness submits that the petitioner is a retired government employee a senior citizen who has paid a sum of Rs. 13000/- and is willing to pay remaining amount of Rs/ 7000/- as has been directed by th learned Trial Court duly affirmed by the learned Appellate Court. 4 and if he is asked to undergo imprisonment. Mr. Manna

prays for modification of sentence without affecting the order of conviction.

This revisional application is pending since 2009 and the petitioner is suffering this Court proceeding since 2007.

Under such circumstances , I am of the view that in the interest of justice sentence may be altered. Ends of justice would be met if the convict is directed to pay a sum of Rs. 17,000/- as compensation, instead of sending him to correctional home to serve out sentence of imprisonment of one year. Said sum Rs. 17000/- be paid to the opposite party Ram Prasad Das by demand draft/or money order or through electronic transfer by 22.12.2022. The petitioner shall report compliance of this order to the learned Trial Court by 7th of January, 2023 failing which learned trial Court will be at liberty to issue warrant of arrest and send the convict/petitioner to the Correctional Home to serve out the sentence of imprisonment.

Criminal revision being CRR 3656 of 2009 is thus disposed of .

Copy of the order be sent down to learned trial Court for information and necessary action .

Urgent certified copy be made available , if applied, therefor, upon compliance of requisite formalities.

All parties are to act on the server copy of this order duly downloaded.

(Siddhartha Roy Chowdhury, J.)