

05.12.2022

Sl. No. 10

Srimanta

Ct.No. 42

**IA No.:CRAN/1/2022, CRAN/2/2022
in
CRR/4042/2022**

In the matter of : **Hasnain Ahmed**

Mr. Partha Sengupta, Adv.,
Mr. Biswaroop Sengupta, Adv.,
Md. Tarique Masood, Adv.,
Mr. Kamal Ahmed Khan, Adv.

...for the petitioner.

Mr. Ranabir Roy Choudhury, Adv.,
Mr. Mainak Gupta, Adv.

...for the State.

Mr. Goutam Dinda, Adv.,
Mr. Anindyasundar Chatterjee, Adv.

...for the K.M.C.

This is an application under Section 5 of the Limitation Act filed by the petitioner praying for condonation of delay of 11 days in preferring the instant revision. Copy has been served to the Learned Advocate for the Kolkata Municipal Corporation as well as for the State. I have heard the learned Counsels for the parties. On perusal of the petition I find that the delay has properly been explained and accordingly delay is condoned.

This is a revision challenging the judgement and order of conviction passed by the lower Appellate Court in Criminal Appeal No. 76/2021.

It is found from the judgement passed by the learned Senior Municipal Magistrate, Kolkata on 30th March, 2021 in Case No. 1246/2017 that the petitioner was sentenced to simple imprisonment for a term of five years and also with fine of Rs.50,000/-, in default of the payment of the said fine to suffer simple imprisonment for five months for the offence

punishable under Section 401A of the Calcutta Municipal Corporation Act, 1980.

The petitioner has challenged the legality, validity and propriety of the impugned orders and judgement of conviction and sentence in the instant revision. The application for suspension of sentence is taken up for hearing. I have heard the learned Advocate for the petitioner and the learned Advocate for the Kolkata Municipal Corporation. Execution of sentence passed by the Trial Court and affirmed by the Court of appeal be suspended till the disposal of the instant revision on condition that the petitioner shall execute a bond of Rs.50,000/- with two sureties of like amount to the satisfaction of the learned Senior Municipal Magistrate, Calcutta.

The application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)