

CRR 153 of 2009

In the matter of : Hanif Rahaman Mondal

Mr. Ayan Bhattacharyya	
Ms. Bratati Dutta	
Mr. P. K. Khan	... for the petitioner
Mr. Sagar Saha	... for the Railway

Heard Mr. Bhattacharyya, learned counsel representing the petitioner and Mr. Saha, learned counsel representing the Union of India.

Mr. Bhattacharyya submits that this proceeding under Section 3A R.P.(UP) Act was initiated way back in 2002. The petitioner made an attempt to get the order of conviction reversed. The appeal was allowed in part and the appellant convict was sentenced to suffer imprisonment for one year.

Mr. Bhattacharyya, with all fairness submits that considering the agony and anxiety of the petitioner, which he has been carrying with him for more than two decades the sentence imposed upon the petitioner may be interfered with and instead of sentencing him to suffer imprisonment, he may be directed to pay a fine for the offence committed by him.

Mr. Saha, learned counsel representing the railway, however, leaves the decision with the Court.

Considering the nature of offence, age of the proceeding and obviously anxiety and agony of the petitioner, I am inclined to modify the order of sentence imposed upon him instead of

incarceration. I am of the view that ends of justice would be met if the petitioner is sentenced to pay a fine of Rs.10,000/- within seven days before the learned Trial Court.

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

Parties are to act on the server copy of the order duly downloaded from the official website of this Court.

(Siddhartha Roy Chowdhury, J.)