

CRR 1252 of 2011

In the matter of : Sri Kamal Mondal

Sri Subir Ganguly .. for the petitioner.

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

Heard the learned advocates for the parties.

Pursuant to the order dated 01.5.2023, Smt. Sipra Mondal appears before the Court. Being asked by the Court in presence of Mr. Ganguly, learned counsel representing the petitioner and Mr. Bose, learned counsel representing the State about her relation with Sri Subhas Mistry, she denies to have married Sri Subhas Mistry at any point of time prior to her marriage with Kamal Mondal.

Mr. Ganguly, learned counsel representing the petitioner submits that the photocopy of a document filed before the learned Trial Court suggests that a declaration was given on the stamp paper as to the status of Sipra Mistry as wife of Subhas Mistry. The couple could not stay together and amicably parted their way.

It is further submitted by Mr. Ganguly, that the document contains the signature of Ms. Sipra Mistry.

Despite having ample opportunity to confront the maker of the statement with the document, the petitioner as accused did not bring the previous statement to the notice of the maker of the statement i.e. Sipra Mistry or her father Narayan Mistry. The

photocopy is not admitted into the evidence by the learned Trial Court and obviously for valid reason. Therefore, the said document cannot be considered at this stage.

I have perused the impugned judgement whereby the learned Appellate Court was pleased to affirm the order of conviction passed by learned Trial Court directing the petitioner, Kamal Mondal to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/-. The complainant before the learned Trial Court proved both the marriages and the evidence on record justifies the order of conviction.

I do not find any reason to interfere with the concurrent view of learned Trial Court and learned Appellate Court. The matter is pending since 1995, Kamal Mondal has been passing through the agony of criminal trial and order of conviction for more than twenty five years, considering as such I am inclined to interfere with the sentencing part.

In my view ends of justice would be met if Kamal Mondal is directed to pay a sum of Rs.50,000/- to Sipra Mondal within four weeks from date, failing which he will undergo imprisonment as imposed by the learned Trial Court.

With this observation, the revisional application is disposed of along with application, if any.

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

(Siddhartha Roy Chowdhury, J.)