

CRR 1508 of 2006

In the matter of : Dilip Bangal @ Dilip Kumar Bangal.

Mr. Debasish Roy
Ms. Sreemoyi Roy

.... For the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

..... for the State

This criminal revision impeaches the judgment passed by learned Additional Sessions Judge, Fast Track, 2nd Court, Contai in Criminal Appeal No. 3 of 2004 whereby learned Appellate Court was pleased to affirm the order of conviction and sentence imposed upon the appellant Dilip Kumar Bangal by the learned 3rd Court of Judicial Magistrate, Contai directing the convict to undergo Rigorous Imprisonment for two years for the offence committed under Section 358 of the I.P.C. and for the offence committed under Section 326 of the I.P.C. subject to the provision of Section 428 of the Code of Criminal Procedure.

Mr. Roy, learned senior counsel representing the petitioner submits that prosecution case suffers from serious lacunae. The maiden information about the incident given to the Police was acted upon as admitted by P.W. 2. Police swung into action after getting an information subsequently. Therefore, there is reason to presume that it was tailor made. The occurrence took

place inside a room which was closed from inside and it was alleged that the accused person entered into the room by removing tiles and thereby creating a gap of 12" X 16", which according to Mr. Roy is utterly impossible for an able bodied man to pass through.

I have gone through the testimony of the victim and her father P.W. 2. From the testimony of P.W. 2 I find that the victim girl was taken to the Police Station soon after the incident and disclosed everything but the jurisdictional Police authority directed the father to take the girl to hospital instead of registering the F.I.R., which the Police ought to have done upon. P.W. 2 further stated that after getting the girl admitted he went to Police Station and informed the Police. Therefore it cannot be said that information upon which Police took action was tailor made. True it is under Section 154 of the Cr.P.C. Police should have registered the case but for the inaction on the part of Police victim should not be made to suffer. There is no cogent reason to disbelieve the testimony of the victim P.W. 1.

Mr. Roy in his usual fairness, however, submits that the incident took place in the year 1992. The victim lady is now aged about more than 40 years. She is married to a man and is leading a peaceful family life while the petitioner has been carrying with him the baggage full of agony, anxiety and mental trauma since the time of occurrence and

he has suffered a lot including a period of physical incarceration for more than 75 days.

Under such circumstances, Mr. Roy invites the Court to interfere with the sentencing part. It has been established beyond doubt that the victim suffered acid burn injury and none but the petitioner is responsible for such suffering of the victim. The incident took place more than 30 years ago. It is true that during this period the petitioner has been suffering the trauma of being convicted.

Under such circumstances, taking lumen the provision of Section 357A of the Cr.P.C. and West Bengal Victim Compensation Scheme, 2017, I am of the view that ends of justice would be met if the petitioner is sentenced to suffer imprisonment for the period already undergone and to pay a sum of Rs.2.5 Lakhs as compensation to the victim within four weeks from date. The petitioner shall have to deposit the said amount with the Registrar General of this Court by **11th May, 2023**.

Learned Registrar General thereafter shall inform the victim about such deposit of compensation money as and pass on the compensation amount to the victim upon proper identification.

Thus the criminal revision is disposed of.

Copy of the order be sent down to the learned Registrar General, High Court and learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)

