

CRR No. 1793 of 2005

In the matter of : Kartick Chandra Ghosh

....petitioner.

Mr. Snehansu Majumderfor the Petitioner.

Mr. Binay Panda
Ms. Pushpita Saha ...for the State.

This revisional application challenges the judgment passed by Learned Fast Track 3rd Court of Additional Sessions Judge, Krishnagar, Nadia on 13th May, 2005 in Criminal Appeal No.22 of 2004 affirming thereby the judgment and order of conviction as well as sentence passed by learned Chief Judicial Magistrate, Nadia in Case No.732-C of 1997 on 12th of May, 2004.

Briefly stated, on 21st April, 2007 Sub-divisional Food Inspector, Krishnagar accompanied by GDA of his office visited the grocery shop of the petitioner, Kartick Chandra Ghosh at Majdia and purchased 450 gms. of chilli powder for the purpose of food analysis against receipt. The sample drawn up from the aforesaid bag of chilli powder was sent to Public Food analyst, Calcutta for chemical report and the report revealed that the content was contaminated. Notice was given under Section 13 to the grocer, Kartick Chandra

Ghosh by the LHA, Krishnagar, Nadia. The chemical examiners report was challenged by the accused person.

Mr. Snehansu Majumder, learned counsel for the petitioner submits that the petitioner has been passing through trauma of criminal proceeding for nearly 20 years and he may not be directed to suffer incarceration and the order of sentence may be interfered with. The proceeding was initiated in the year 1997. The petitioner was convicted on 12th May, 2004.

Considering the baggage of agony, the petitioner has been carrying on all through since, 1997, I am inclined to interfere with the sentence part. I am of the opinion that ends of justice would be met if the petitioner is sentenced to pay fine of Rs.15 thousand to the District Legal Services Authority, Krishnagar, Naida within four weeks from date, failing which the order impugned shall stand restored and shall be implemented by the learned Trial Court following the procedure of law.

With this observation, this revisional application is disposed of.

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

Lower court records be sent down to the Trial Court forthwith.

Urgent certified copy of this order be immediately made available to the parties subject to compliance with all requisite formalities.

(Siddhartha Roy Chowdhury, J.)