

10.2.2023
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SB
Ct. No.236

CRR 2129 of 2010

In the matter of : Sujan Biswas

Mr. Krishnendu Bhattacharyya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi ... for the petitioner

Mr. Arijit Ganguly
Ms. Sujata Das ... for the State

Mr. Avinaba Patra
Mr. Sourav De ... for the victim girl

This criminal revision challenges the order passed by the learned Additional Sessions Judge, 3rd Court, Nadia at Krishnagar in Criminal Appeal No. 14 of 2009. By the impugned judgement learned Appellate Court was pleased to affirm the order of conviction passed by the learned Assistant Sessions Judge in S.C. No. 42(8) of 2005 dated 29.4.2009 and the petitioner was found guilty for committing offence within the meaning of Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-.

The victim is being represented by the learned counsel Mr. Patra.

Mr. Patra is directed to submit Vakalatnama in the department in course of the day.

It is submitted by the learned advocates appearing on behalf of the petitioner and the victim that they have settled their dispute amicably out of Court and the victim does not want to stir

the social condition which has already been settled with the passage of time.

It is submitted by Mr. Bhattacharyya, learned counsel representing the petitioner that considering the factum of settlement, the sentencing part may be interfered with and the petitioner may be sentenced to suffer imprisonment for the period undergone.

Considering the nature of offence and the prevailing circumstances, I am inclined to modify the sentencing part of the impugned judgement. The convict / petitioner is sentenced to suffer imprisonment for the period already undergone and to pay a sum of Rs.50,000/- to the District Legal State Authority, Nadia within two weeks hence as fine.

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

The interim order of stay, if any, stands vacated.

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

(Siddhartha Roy Chowdhury, J.)