

CRR 2446 of 2010

In the matter of : Sk Abdul Mannan

Mr. Amal Krishna Samanta ... for the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas ... for the State

Heard Mr. Samanta, learned counsel representing the petitioner submits that both the Courts below erred in appreciating the evidence. There was delay of 21 days which was not taken care of by either of the Courts below. Prosecution witnesses are all interested witnesses and the victim did not make any statement under Section 164 of the Code of Criminal Procedure.

According to Mr. Samanta, cumulative effect of such shortcomings ought to have resulted into an order of acquittal instead of an order of conviction.

I have perused the judgement impugned and I find that the victim explained the delay by saying that the accused person approached her uncle for settlement which ultimately did not take place. The victim P.W. 1 is the best witness and she stood the test of cross-examination. There is nothing to impeach the testimony of P.W. 1. True, that other witnesses are post occurrence witnesses when P.W. 1 has narrated the incident and there is nothing to impeach her testimony, I do not find any reason to interfere with the concurrent findings of the learned Courts below. The criminal revision is dismissed.

The convict is directed to surrender to the jurisdiction of the learned Chief Judicial Magistrate within seven days from date to serve out sentence, failing which, learned Trial Court will be at liberty to take all coercive measures available under the law to make the petitioner/ convict serve out sentence.

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.)