

30.03.2023

Court No.35
Item No. 24

CRR 3021 of 2016

D.Hira

**Samir Kumar Halder @ Samir Halder
Vs.
The State of West Bengal & Anr.**

Mr. Dipanjan Dutt,
Mr. Surajit Saha.

... for the petitioner

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose.

... for the State

State is represented.

The judgment and order of the Additional Sessions Judge, Fast track, 2nd Court at Burdwan dated 30.11.2011, passed in S.C. Case No. 144 of 2008 is assailed in this revision.

Mr. Dutt, learned Advocate appearing for the petitioner has pointed out that excepting an observation of the Trial Court in the said impugned judgment, the petitioner has no other grievance against the same. He has shown at internal page 3 of the impugned judgment dated 30.11.2011, the following portion:-

“The accused persons were attested and produced before this Court and subsequently they were granted bail after suffering a considerable period of custody.”

He submits that the present petitioner having suffered a considerable period of custody, has been an erroneous recording by the trial Court whereas the petitioner surrendered before the Court on 18.02.2006 and was immediately enlarged on bail by the Court.

According to him, the petitioner since then is under bail.

In view of the said fact, it is urged that the necessary modification be made as to the impugned judgment.

Considering the above fact, it is found required that the impugned judgment be interfered with, to modify the findings of the trial Court as above, and to record that the petitioner, in connection with the present case has never undergone incarceration and on the date of his surrender in the Court i.e., on 18.02.2006, he has been enlarged on regular bail by the Judicial Magistrate.

The impugned order is modified to the said extent. Other findings and directions thereof shall remain as those are.

With this observation, this revision is allowed and disposed of.

Certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(Rai Chattopadhyay, J.)