

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRA (SB) 1 of 2024

Panchami Rabidas
Versus
The State of West Bengal

Ms. Shabana Hasin
Mr. Mobaidur Hossain
Ms. Samima Aktir
... For the appellant

Mr. Debasish Roy, Ld. PP
Mr. Manoranjan Mahata
... For the State

1. This appeal has been preferred against the judgment and order of conviction dated 29th November, 2023 passed by the learned Additional Sessions Judge, 1st Court, Malda in Criminal Misc. Case No.01 of 2023 arose out of Sessions Trial No.51 of 2021 for the offence punishable under Sections 191/192/193/195 of the Indian Penal Code and thereby the learned Trial Judge found her guilty of committing offence and sentenced her to suffer simple imprisonment for three months and also to pay fine of Rs.500/-, in default to suffer simple imprisonment for 10 days.

2. Learned advocate appearing on behalf of the appellant/petitioner has submitted that the accused/petitioner is a village woman and she has already suffered sentence for 47 days and her sentence may be reduced.

3. Mr. Manoranjan Mahata, learned advocate, appearing on behalf of the State has left the matter to the discretion of the Court.

4. On perusal of the record in connection with Criminal Misc. Case No.01 of 2023, I find that the learned Judge, after delivery of judgment in connection with Sessions Trial No.51 of 2021, held the petitioner guilty of committing offence for giving false evidence in course of trial of the Sessions Case No.155 of 2021 and, accordingly, after taking cognizance of the offence, exercising power under Section 344 of the Code of Criminal Procedure, asked the petitioner to show cause as to why she should not be convicted. After hearing both sides, the learned Judge found the petitioner guilty of committing offence under Sections 191/192/193/195 of the Indian Penal Code and sentence her to suffer simple imprisonment for three months and also to pay fine of Rs.500/-, in default to suffer simple imprisonment for 10 days.

5. Considering all the facts and circumstances of this case, particularly, the period of sentence already undergone by the petitioner, I find this is a fit case to reduce the sentence for the period of detention already undergone by the petitioner. From the record, it appears that the petitioner is in custody since 29th November, 2023 and thereby already undergone a period of 47 days of sentence.

6. The sentence imposed by the order impugned be reduced to the sentence already undergone by the petitioner.

7. Accordingly, the petitioner be released and be set at liberty at once.

8. The appeal, being CRA (SB) 1 of 2024, stands disposed of.

9. Department is directed to communicate a copy of this order to the learned Additional Sessions Judge, 1st Court, Malda, to issue release order accordingly.

10. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)