

27.06.2024
Sl.No. 73
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 1509 of 2017

Sripati Bhattacharjee @ Manik @ Bachchu
Vs.
The State of West Bengal and anr.

Mr. Saryati Datta.....for the State

Mr. Anindya Sundar Chatterjee
Mr. Goutam Dinda.....for the KMC

Nobody appears on behalf of the petitioner on call.
Even on earlier occasion no one represented the petitioner, no
accommodation sought for.

It was directed the State to intimate the petitioner
with regard to the pendency of this case and next date of
hearing. But intimation could not be served upon the
petitioner as per report dated 20.05.2024 filed by the Officer-
in-Charge, Jadavpur PS, Kolkata through learned advocate
for the State as the petitioner was unavailable at the address
given in the cause title of the application.

This is an application pending since 2017.

The petitioner/convict filed this application under
sections 399/401/389/482 of the Code of Criminal
Procedure, 1973 challenging the judgment and order dated
27.07.2016 passed by the learned Judge, Bench-I, City

Sessions Court, Calcutta in Criminal Appeal No. 82/2014, thereby affirming the order of conviction and sentence of the petitioner vide judgment and order dated 06.06.2014 passed by the learned Municipal Magistrate, 2nd Court at Calcutta in connection with M/F 372 of 2013 arising out of Jadavpur case no. 297 of 2013, holding the petitioner guilty for the offence punishable under section 401A of the Kolkata Municipal Corporation Act, 1980 and directing the petitioner to suffer simple imprisonment for two months and to pay a fine of Rs. 2,000/- for the offence punishable under section 401A of the Kolkata Municipal Corporation Act, 1980 in default to suffer simple imprisonment for one month.

The instant revisional application was taken up earlier on 15th May, 2017 and suspended the sentence imposed upon the petitioner in the judgment and order dated 6th June, 2014 passed by the learned Municipal Magistrate, 2nd Court at Calcutta in M/F 372 of 2013 for a period of six weeks after reopening of the court after summer vacation for the year 2017 or until further orders, whichever is earlier.

It was further directed by this court that the petitioner shall appear before the trial court within a fortnight from date and upon his appearance, the petitioner shall be released on bail to the satisfaction of the trial court and shall remain on such bail during the pendency of this revisional application, on condition that he shall appear before the trial court once in a month.

In the event, the petitioner either fails to appear within the time stipulated, as above, or fails to comply with the condition imposed upon him, as above, the interim order of stay shall stand automatically vacated without reference to this court and the trial court shall cancel his bail and commit him to custody in accordance with law.

Despite of such suspension of sentence imposed upon the petitioner, no intimation supplied by the petitioner whether the petitioner has complied such direction or not and nobody also represented the petitioner, no accommodation sought for.

In view of the above circumstances, the instant criminal revisional application being **CRR 1509 of 2017** is, thus, dismissed for default.

Interim order passed by this court earlier, is seems automatically vacated.

The petitioner/convict is directed to surrender before the learned trial court within fortnight from this date to serve out the sentence.

Let a copy of this order be communicated to the learned Court below for information and taking necessary action.

Department is directed to keep proof of communication of order to the trial court with the record.

Learned trial court is further directed to take all recourse against the petitioner/convict to serve out the sentence, if petitioner fails to appear before the trial court.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)