

25.11.2024

Sl. No.28

Ct. No. 237

Sws.M

**CRA (SB) 172 of 2024
with
CRAN 1 of 2024**

In the matter of : Hasibul @ Hasibur Mondal & Anr.

... Appellants

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... for the appellants

Ms. Puspita Saha

...for the State

This appeal was admitted by this Court by an order dated 11th November, 2024.

The appellant prays for suspension of sentence and also prays for bail.

It is submitted that the FIR was lodged after seven days of occurrence and PW 3, 4 and 5, during trial, turned hostile. He further submits that the Trial Court relied upon the evidence of PW 1, who was not on the spot at the time of alleged occurrence. Moreover, the doctor, in his medical report, has not stated the name of the assailant. He further submits that the victim, namely, Mafuja Bibi sustained injury in her right hand and left leg and the injury allegedly caused by a bamboo stick. However, the Court below convicted the accused and sentenced to suffer rigorous imprisonment for five years for allegedly committing offence under Section 307/34 IPC.

Learned counsel appearing on behalf of the State leaves the matter to the discretion of the Court.

Upon hearing learned counsel for both the parties the execution of the sentence awarded vide judgment and order dated 12.09.2024 be stayed till disposal of the appeal.

Having heard the prayer made on behalf of the petitioner and considering the facts and circumstances of the case, both the appellant may be released on bail of Rs.10,000/- each with one surety which must be local subject to the satisfaction of the learned Chief Judicial Magistrate, Chinsurah, Hooghly.

Accordingly, **CRAN 1 of 2024** is disposed of.

Liberty is given for enlistment after preparation and service of paper book.

(Dr. Ajoy Kumar Mukherjee, J.)