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16.05.2024
Ct. No.3
RS

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction
Appellate Side**

CRR/254/2023

**Santosh Sapkota
Versus
The State of West Bengal and Anr.**

Mr. Arnab Saha, Adv.

... for the petitioner

Mr. Aditi Shankar Chakraborty, Adv.

Mr. Aniruddha Biswas

... for the State

Mr. Arnab Saha, learned counsel, is appearing for the petitioner.

Mr. Aniruddha Biswas, learned counsel, is appearing for the State.

The petitioner has filed the present revisional application against the order and judgment passed by the learned Judicial Magistrate, 3rd Court at Alipurduar in CR Case No. 188 of 2008 wherein the petitioner is convicted to suffer imprisonment for one year and to pay fine of Rs.10,000/- and in default to suffer further imprisonment for a further terms of one month.

Learned counsel for the petitioner submits that the petitioner has filed the present application only because

already a revisional application is pending before the learned Sessions Judge and during the pendency of the said revisional application, the learned Magistrate has passed the impugned judgment.

Learned counsel for the petitioner prays for setting aside the order of conviction and to remand the matter back for retrial.

Considering the submission made by the counsel for the petitioner, this Court finds that the Magistrate has already passed a judgment by convicting the petitioner and as such, the petitioner has alternative remedy under the statutory provisions of law and thus the revisional application is dismissed with liberty to the petitioner to take appropriate steps, if so advised by preferring an appeal against the impugned judgment and order.

The petitioner is at liberty to take back the original certified copy of the judgment and order by replacing xerox copy of the same.

(Krishna Rao, J.)