

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble **Justice Prasenjit Biswas**

CRA 433 Of 1989

Sri Bimal Chandra Das

-Versus-

The State of West Bengal

For the Appellant : **Mr. Kallol Mondal, Ld. Sr. Adv.
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Sreyash Kumar Singh,
Ms. Moupia Chakraborty.**

For the State : **Ms. Manisha Sharma,
Ms. Rituparna Saha**

Hearing concluded on : **13.11.2025**

Delivered on : **16.12.2025**

Prasenjit Biswas, J:-

1. The impugned judgment and order of conviction dated 31.08.1989 passed by the learned Special Judge, Special Court (E.C. Act), Cooch

Behar in Sessions Trial Case No. Spl. E.C.G.R. Case no. 7/87 is assailed in this appeal at the instance of the appellant.

2. Being aggrieved by and dissatisfied with the said impugned judgment, the present appeal is preferred by the appellant.

3. By passing the impugned judgment, the present appellant was convicted for commission of offence punishable under Section 7(1)(a)(ii) of the Essential Commodities Act, 1985 for contravention of clause 18 of the West Bengal Rice and Paddy (Licensing Control Order), 1967 and clauses 8 and 9 of the License under West Bengal Sugar Dealers Licensing Order, 1980 and he was sentenced to suffer simple imprisonment for three months along with a fine of Rs. 5,000/- and in default of payment of fine to undergo further simple imprisonment for one month.

4. In short compass, the prosecution story, as unfolded from the complaint and the evidence on record, may be delineated thus:

“On 04.04.1987, a team of officers from the Department of Enforcement Branch (D.E.B.), comprising the Deputy Enforcement Officer (D.E.O.), Cooch Behar Sadar, the D.E.B. Inspector, and accompanying force, conducted an inspection of the M.R. (Modified Rationing) shop of the appellant, Sri Bimal Das, situated at Harinchawra. At the time of inspection, the appellant Bimal Das, along with his employee Swapan Dey (since acquitted), was found present in the shop and was allegedly transacting with ration card

holders. Upon being questioned by the inspecting officers regarding the stock position, the appellant stated that he had drawn 11 quintals of rice on 03.04.1987, 1 quintal and 90 kilograms of sugar on 02.04.1987, and 525 litres of kerosene oil on 01.04.1987 from the concerned M.R. distributor. However, despite such assertion, the appellant failed to produce any purchase memo or documentary proof in support of his claim relating to the lifting of the aforesaid quantities of essential commodities. Thereafter, the inspecting officers undertook verification of the relevant records maintained in the shop, including the stock register, the cash memo book, and the stock-cum-rate display board. Simultaneously, a physical verification of the available stock was conducted. On such verification, the officers allegedly detected discrepancies between the recorded stock and the actual physical stock. Specifically, there was found to be a shortage of sugar to the extent of 39 kilograms and 675 grams, a shortage of rice to the extent of 5 quintals, 16 kilograms and 675 grams, and an excess of kerosene oil measuring half a litre. Consequent upon the detection of the aforesaid discrepancies, the D.E.B. officers seized the stock register, stock and rate board, and cash memo book under a duly prepared seizure list in the presence of witnesses. The essential commodities, in respect of which discrepancies were alleged, were also weighed at the spot in the presence of such witnesses. It is further the case of

the prosecution that at the time of the raid there was a public gathering in the shop premises, and taking advantage of the commotion and the presence of the crowd, the appellant Bimal Das managed to slip away from the spot. On the basis of the said incident, a written complaint was lodged by PW1, Sri S. P. Sarkar, setting the criminal law into motion. Upon completion of the investigation, the Investigating Agency submitted a charge-sheet against the accused persons, alleging contravention of the relevant provisions governing the distribution and maintenance of essential commodities. Such, in essence, is the prosecution version sought to be established against the appellant.”

5. The charge was framed by the Trial Court under Section 7(1)(a)(ii) of the Essential Commodities Act, 1985 for contravention of clause 18 of the West Bengal Rice and Paddy (Licensing Control Order), 1967 and clauses 8 and 9 of the License under West Bengal Sugar Dealer Licensing Order, 1980.

6. In this case 8 witnesses were cited by the side of the prosecution and documents were marked as exhibits on its behalf. No evidence was adduced on behalf of the accused persons.

7. Mr. Kallol Mondal, learned Senior Advocate appearing on behalf of the appellant, has contended that there exists apparent contradictions, omissions, and procedural lacunae in the evidences relied upon by the Trial Court. It is submitted that the learned Trial Court primarily relied

upon the depositions of PW1 and PW4, who are government officers, and did not adequately consider the evidences of PW2 and PW3, who were the independent witnesses to the seizure. The learned Advocate argued that PW1 and PW4, being government officers, cannot be treated as wholly independent, and sole reliance on their testimonies may raise questions regarding bias, whereas PW2 and PW3, being ordinary citizens and witnesses to the seizure, merit significant weight in assessing the factual matrix of the case.

8. The learned Advocate further pointed out that although PW1 deposed that the appellant, Bimal Das, was present at the time of the raid and seizure, the investigating officers intentionally did not obtain his signature on the seizure list. This, it is argued, raises doubts regarding the authenticity and regularity of the seizure process. Additionally, PW1's own evidence reflects that the appellant and his employee were actively engaged in transactions with the public at the time of inspection, suggesting that the raid was not conducted in a manner that ensured proper observance of procedural safeguards.

9. PW2, in his evidence, specifically stated that no weighment of the seized commodities was conducted in his presence, indicating that he signed the seizure list without fully verifying its contents. PW3 similarly confirmed that weighment was not conducted in his presence, reinforcing the contention of procedural irregularity. These omissions, it

is submitted, create doubts about the accuracy of the quantities seized and undermine the prosecution case.

10. Mr. Mondal also highlighted broader lacunae in the investigation, which are discernible from the cross-examination of PW1. These procedural deficiencies, according to the learned Advocate, substantially weaken the prosecution case. A critical point urged by the learned Senior Advocate is that the defacto complainant in this case is the investigating officer himself, which, he submits, vitiates the basic principle of fair play and impartiality in investigation. Reliance in this regard was placed on the decision of the Hon'ble Single Bench of this Court in **Sushil Kumar Saraf v. State of West Bengal**¹, wherein it was observed that, following the principles laid down by the Hon'ble Apex Court in **Mohan Lal v. State of Punjab**, the defacto complainant being the investigating officer may cast a shadow over the fairness of the investigation. The learned Advocate specifically referred to paragraph 11 of the said judgment, which emphasizes that such a situation requires heightened scrutiny of the investigation and the evidence collected there from.

11. On the basis of the above submissions, it is contended that the impugned judgment and order of conviction passed by the learned Trial Court cannot be sustained in law and ought to be set aside, allowing the present appeal.

¹ **2018 SCC On Line Cal 12968**

12. Learned Advocate for the State has submitted that there is no material on record warranting interference with the impugned judgment and order passed by the learned Trial Court. It is contended that the prosecution has successfully discharged its burden of proof, and the findings recorded by the Trial Court are fully supported by credible evidence.

13. It is highlighted that PW1 and PW4, in their respective depositions, have unequivocally supported the contentions raised in the complaint. Both witnesses deposed that officers of the Directorate of Food and Civil Supplies (D.O.B.) conducted an inspection of the appellant's M.R. shop. During the course of this inspection, irregularities were observed in stock, stock registers, cash memos, and other relevant documents. When questioned, the appellant failed to produce any documentation to explain or justify these discrepancies, thereby demonstrating a clear contravention of the West Bengal Rice and Paddy (Licensing Control) Order, 1967, as well as the West Bengal Sugar Dealer Licensing Order, 1980.

14. Learned Advocate further submitted that PW2 and PW3, who are independent witnesses to the seizure, have fully corroborated the factum of seizure conducted by the inspecting officers. PW2 specifically deposed that Darogababu seized certain commodities, including sugar, rice, and kerosene oil, from the appellant's M.R. shop and that he signed the seizure list, which was marked as Exhibit 1/1. The learned Advocate

emphasized that PW2 was personally present at the spot during the seizure, adding credibility to the seizure proceedings. Similarly, PW3, another independent witness, confirmed the testimony of PW2, stating that he witnessed the seizure of stock from the M.R. shop after inspection by Darogababu and also signed the seizure list, which was marked as Exhibit 1/2. Learned Advocate contended that there is no reason to discard or disbelieve the evidence of PW2 and PW3, given their independence and direct presence at the site of seizure. Their testimonies, being consistent and reliable, provide direct support to the prosecution's case.

15. It was further submitted that other witnesses cited by the prosecution have similarly supported the factual narrative established by PW1, PW2, PW3, and PW4. There is no material on record capable of undermining their credibility or casting doubt on their testimonies. In view of the consistent, corroborated, and reliable nature of the evidence, it is submitted that the findings recorded by the Trial Court are well-founded and justified.

16. Accordingly, the learned Advocate for the State urged that the impugned judgment and order of conviction be sustained, and the appeal preferred by the appellant challenging the said judgment be dismissed outright, as there exists no infirmity or legal reason warranting interference by this Court.

17. I have considered the rival submissions advanced by both the parties and have gone through all the materials in the record.

18. It is the case of the prosecution that on 04.04.1987 D.E.B. officers inspected in the M.R. Shop of the appellant and on inspection it was found that there was shortage of Sugar, Rice and excess of Kerosene oil, but on demand the appellant failed to show any document in supporting such discrepancies noted by the D.E.B officers. As there are apparent violations of the relevant orders a case was instituted against the appellant and after investigation charge sheet was submitted against him.

19. PW1, S.I. S.P. Sarkar, who was posted as D.E.B. officer at the relevant date and time, deposed before the Trial Court in support of the contentions made in the written complaint. According to this witness, during the inspection of the M.R. shop of the appellant, the officers verified the stock registers, stock and rate board, and physically inspected the available stock of essential commodities. PW1 stated that discrepancies were found in respect of essential commodities, specifically a shortage of Sugar amounting to 39 kg 675 grams and an excess of Kerosene Oil by $\frac{1}{2}$ liter. In view of these discrepancies, the D.E.B. officers seized the stock of essential commodities after making the necessary weighment and prepared a seizure list in the presence of witnesses, which was marked as Exhibit 1. In addition, the original license in respect of Rice and Paddy issued in favor of the appellant was

seized and marked as Exhibit 7, and the cash memo book maintained by the appellant was seized and marked as Exhibit 13.

20. Similarly, PW4, R.K. Chaki, Inspector of Police, who was posted as Inspector, D.E.B., Cooch Behar Sadar, corroborated the deposition of PW1. PW4 stated that at the time of inspection, the appellant and his employee, along with other acquitted accused, were engaged in transactions at the shop. PW4 confirmed that the officers physically verified the stock position along with the stock and rate board and found that the actual stock did not tally with the entries in the stock register or the stock and rate board. Further, PW4 deposed that there was a shortage of Sugar and Rice and an excess of Kerosene Oil, and the appellant failed to substantiate or explain these discrepancies despite being the owner of the shop.

21. Both PW1 and PW4 also stated that although the appellant, Bimal Das, was present at the time of inspection, he managed to slip away amidst the gathering of the public, and hence, the officers could not obtain his signature on the seizure list.

22. PW2, Abdul Motleb, and PW3, Kartik Ch. Pal, who were independent witnesses to the seizure, confirmed that Darogababu seized commodities such as Sugar, Rice, and Kerosene Oil from the shop of the appellant in their presence, and both witnesses put their respective signatures on the seizure list. While PW2 and PW3 stated in cross-examination that weighment of the commodities was not done in their

presence, their presence at the time of inspection and seizure is undisputed.

23. The Court notes that their signatures on the seizure list corroborate the fact that the seizure was conducted in their presence. The minor discrepancy regarding weighment does not detract from the credibility of their testimony. Moreover, PW2, being the Upa-Pradhan of the village Panchayat and a responsible person in the locality, lends further reliability to the account of the inspection and seizure.

24. In conclusion, the depositions of PW1 and PW4, together with the corroborative testimony of PW2 and PW3, establish that the inspection of the M.R. shop was conducted properly, the discrepancies in essential commodities were recorded, and seizure was effected in accordance with statutory provisions. The statements of these witnesses are found to be credible, consistent, and reliable, and there is no reason to disbelieve their version of the events.

25. PW5, Hirendra Narayan Adhikary, an employee of the Sub-Divisional Controller of Food and Supplies, deposed that PW1 seized the original license for Rice and Paddy and the duplicate license for Kerosene Oil in the name of the appellant after preparing the seizure list. A copy of the seizure list was handed over to PW5, and he signed the original seizure list in acknowledgment of receipt of the copy.

26. PW6, Dilip Kr. Pal, stated that on 25.05.1988, the D.E.O., Sadar, seized the duplicate cash memo bearing number 4168 from their shop

after preparing a seizure list, and he signed the original seizure list in token of acceptance of the copy.

27. PW8, an employee of M.R. Distributor, Nityananda Ghosh, deposed that during the course of the investigation, D.E.B. Darogababu seized a Xerox copy of cash memo no. 3011 from their shop through a seizure list, and he put his signature on the original seizure list, thereby acknowledging the seizure and the procedure followed.

28. The learned Advocate for the appellant took a specific point, relying upon the decision of a learned Single Bench of this Court in the case of **Sushil Kumar Saraf**, which suggested that if the complainant himself conducts the investigation, it could vitiate the basic principles of fair play in the investigation process.

29. However, this contention has been expressly addressed by the Hon'ble Apex Court in the case of **Mukesh Singh v. State (Narcotic Branch of Delhi)**². The Apex Court observed that offences under the Penal Code must be investigated in accordance with the provisions of the Code of Criminal Procedure, and consequently, the informant is competent to investigate the offence under Section 157 Cr.P.C.. The Court further held that the mere fact that the complainant conducted the investigation does not automatically undermine the credibility of the prosecution case. The prosecution version cannot be discarded solely on the basis of apprehension of bias, and an accused cannot be acquitted

² (2020) 10 SCC 120

merely because the informant carried out the investigation, unless the accused is able to prove bias or prejudice in the investigation.

30. For the sake of clarity and to facilitate a proper appreciation of the legal position governing the issue, paragraph 11.3 of the said report is reproduced hereunder. -

“11.3. Now so far as the observations made by this Court in para 13 in Mohan Lal [Mohan Lal v. State of Punjab, (2018) 17 SCC 627 : (2019) 4 SCC (Cri) 215] that in the nature of reverse burden of proof, the onus will lie on the prosecution to demonstrate on the face of it that the investigation was fair, judicious with no circumstance that may raise doubt about its veracity, it is to be noted that the presumption under the Act is against the accused as per Sections 35 and 54 of the NDPS Act. Thus, in the cases of reverse burden of proof, the presumption can operate only after the initial burden which exists on the prosecution is satisfied. At this stage, it is required to be noted that the reverse burden does not merely exist in special enactments like the NDPS Act and the Prevention of Corruption Act, but is also a part of the IPC — Section 304-B and all such offences under the Penal Code are to be investigated in accordance with the provisions of CrPC and consequently the informant can himself investigate the said offences under Section 157 CrPC.”

31. The dissatisfaction with Mohan Lal is evident in Para 8.2 of the said report which says that-

"8.2. Therefore, in light of the observations made by this Court in Varinder Kumar [Varinder Kumar v. State of H.P., (2020) 3 SCC 321 : (2020) 2 SCC (Cri) 54] that the law laid down by this Court in Mohan Lal [Mohan Lal v. State of Punjab, (2018) 17 SCC 627 : (2019) 4 SCC (Cri) 215] shall be applicable prospectively and shall not affect the pending criminal prosecutions, trials and the appeals, prior to the law laid down in Mohan Lal [Mohan Lal v. State of Punjab, (2018) 17 SCC 627 : (2019) 4 SCC (Cri) 215] , meaning thereby that the same shall be applicable prospectively, still this Court has to consider the issue referred to this Court on its own merits. On considering the entire decision of this Court in Mohan Lal [Mohan Lal v. State of Punjab, (2018) 17 SCC 627 : (2019) 4 SCC (Cri) 215] , it appears that in this case also the Court did not consider in detail the relevant provisions of CrPC under which the investigation can be undertaken by the investigating officer, more particularly Sections 154, 156 and 157 and the other provisions, namely, Section 465 CrPC and Section 114 of the Evidence Act. Even in the said decision, this Court did not consider the aspect of prejudice to be established and proved by the accused in case the investigation has been carried out by the informant/complainant, who will be one of the witnesses to be examined on behalf of the prosecution to prove the case against the accused. This Court also

did not consider in detail and/or misconstrued both the scheme of the NDPS Act and the principle of reverse burden."

32. In the present case, the appellant has failed to establish or demonstrate any bias or prejudice on the part of the investigating officers or the informant. The seizure of the licenses and cash memos, supported by the signatures of independent witnesses, clearly establishes the proper conduct of the inspection and seizure. Consequently, the prosecution story remains credible and reliable, and there is no ground to discard it on the technical objection raised by the learned Advocate for the appellant.

33. After careful appreciation of the evidence adduced, it is undisputed that the appellant, Bimal Das, is the dealer of the M.R. Shop, and that an inspection was conducted by the D.E.B. officers on the relevant date and time. PW1 and PW4, who conducted the inspection, have stated that they found discrepancies in the stock of essential commodities, specifically a shortage of Sugar and Rice and an excess of Kerosene Oil.

34. PW1 has further deposed that at the time of inspection, the appellant was physically present in his shop, engaged in transactions with ration card holders, assisted by his employee and other acquitted accused. However, due to a large gathering of people at the shop, the appellant managed to slip away, thereby avoiding signature on the seizure list.

35. The factum of seizure is corroborated by independent witnesses i.e. PW2 and PW3, who candidly deposed that they were present at the time of inspection, and that essential commodities were seized in their presence after preparation of the seizure list. The argument that weighment was not conducted in their presence does not vitiate the credibility of their evidence. Their presence at the time of inspection, and their acknowledgment of the seizure through signature, establish the authenticity and legality of the seizure.

36. Upon examination of the exhibited documents and seizure lists, it is evident that the inspection revealed the discrepancies about (1) shortage of Sugar i.e. 39 kg 675 grams, shortage of Rice i.e. 5 quintals 16 kg 675 grams and excess of Kerosene Oil i.e. ½ liter. The appellant failed to produce any scrap of paper, counter-entries, or documents to justify or explain these discrepancies, thereby demonstrating a clear violation of statutory provisions. Specifically, these acts constitute a breach of Clause 18 of the West Bengal Rice and Paddy (Licensing and Control) Order, 1967, and Clauses 8 and 9 of the License under the West Bengal Sugar Dealer Licensing Order, 1980.

37. In the light of the above, there is no material on record to justify interference with the impugned judgment and order of conviction passed by the learned Trial Court. The evidence is consistent, corroborated by independent witnesses, and supported by documentary exhibits, establishing the appellant's liability beyond reasonable doubt.

38. Accordingly, the impugned judgment and order convicting the appellant Bimal Das is found to be fully justified, and there exists no ground to set aside the conviction.

39. It is pertinent to note that the present case against the appellant was initiated on 04.04.1987, and the impugned judgment and order of conviction was rendered by the learned Trial Court on 31.08.1989. The appellant, challenging the said conviction, filed the instant appeal in the year 1989, and the matter has since been pending before this Court for a considerable period.

40. In the course of consideration, it has been brought to the notice of this Court that the appellant is a first-time offender and has no previous criminal antecedents. This fact is material in the context of Section 360 of the Code of Criminal Procedure, which provides for the Court to consider probation of first offenders in appropriate cases, particularly where the nature of the offence, conduct of the accused, and other circumstances warrant a more lenient approach.

41. While acknowledging the serious nature of the offence and the need to uphold statutory provisions, the Court may take into account the long pendency of the appeal, the absence of prior criminal record, and the potential for reform, in determining the manner in which the appellant should undergo the sentence.

42. In the circumstances of the present case, although the conviction and sentence are found to be legally sustainable, the Court may explore

the applicability of Section 360 Cr.P.C. or other provisions for first offenders, as a mitigating factor, subject to the nature and gravity of the offence and the safety of society.

43. Thus, the prolonged pendency of the appeal and the first offender status of the appellant are relevant considerations in the exercise of judicial discretion, particularly in the quantum of sentence or release on probation, without undermining the core findings of guilt established by the Trial Court.

44. It is profitable to quote the observation of the Hon'ble Apex Court in the case of **Tarak Nath Keshari -vs- State of West Bengal**³ wherein Hon'ble Apex Court held as follows:

“10. However, still we find that a case is made out for grant of benefit of probation to the appellant for the reason that the offence was committed more than 37 years back and it was not pointed out at the time of hearing that the appellant was involved in any other offence. Before all the courts below, the appellant remained on bail. Criminal Appeal No. 1444 of 2023 While entertaining his appeal, even this Court had granted him exemption from surrendering. Section 4 of the Probation of Offenders Act, 1958 has a non obstante clause. The same is extracted below:

“4. Power of court to release certain offenders on probation of good conduct.—(1) When any person is found guilty of having committed an offence not

³ (2024) 13 SCC 384

punishable with death or imprisonment for life and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified

therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the offender.

(4) The court making a supervision order under subsection (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The court making a supervision order under subsection (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.”

*11. Even if there is minimum sentence provided in Section 7 of the EC Act, in our opinion, the appellant is entitled to the benefit of probation, the EC Act, being of the year 1955 and the Probation of Offenders Act, 1958 being later. Even if minimum sentence is provided in the EC Act, 1955 the same will not be a hurdle for invoking the applicability of provisions of the Probation of Offenders Act, 1958. Reference can be made to a judgment of this Court in *Lakhvir Singh v. The State of Punjab & Ors.*”*

45. I have given due consideration to the submissions advanced by the learned advocates, as well as the documents and records on file. I have also taken into account the social background of the appellant, the gravity and impact of the offence, and the fact that he is a first-time offender with no criminal antecedents. The conduct of the appellant throughout the course of the trial and post-conviction has been duly noted. He remained on bail during the trial and after his conviction, and there is no evidence to suggest that he attempted to abscond. No adverse reports have been received against him from any quarter following the conviction. A perusal of the Trial Court records confirms that the appellant has no prior criminal history.

46. In light of these factors, I am of the considered opinion that the appellant is entitled to the benefit of probation under the Probation of Offenders Act, 1958, particularly since the incident in question occurred in 1987 and 38 years having lapsed since then. In the interest of justice, taking the appellant into custody to serve the sentence imposed by the Trial Court would not be expedient.

47. Accordingly, the appellant is directed to be released on probation under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a bond of Rs. 5,000/- (Rupees Five Thousand Only) with two sureties to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar. The appellant shall ensure that he maintains peace and good behaviour

for the remainder of his sentence; and does not commit or repeat any offence.

48. It is made clear that in the event of breach of the conditions of probation, or if the appellant fails to maintain good behaviour, he shall be required to serve out the sentence imposed by the Trial Court without further modification or concession.

49. This order balances the seriousness of the offence with the lapse of considerable time, the first offender status, and the interests of justice, while ensuring that the appellant remains accountable for his conduct going forward.

50. The Appellant is released from his bail bonds.

51. Hence, the appeal is **allowed in part** upholding the conviction and sentence awarded to the appellant.

52. The Trial Court Records along with the copies of the judgment be sent down to the Trial Court for necessary action.

53. Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

(Prasenjit Biswas, J.)