

31.

CRR 4592 of 2025

15.12.2025

Bd.

Ct. 29

Amjadul Sk. @ Amjad

Vs.

The State of West Bengal

Mr. Navnil De

Mr. Neil Basu

Mr. Subhrojit Dey

Ms. Oindrila Sarkar

Mr. Mohassin Gain

... for the petitioner.

Mr. Madhusudan Sur

... for the State.

This is an application which has been preferred by the convict/petitioner against the order dated September 24, 2025 passed by the learned Chief Judge, City Sessions Court, Calcutta thereby rejecting the suspension of sentence of the petitioner in connection with Criminal Appeal No. 141 of 2025 arising out of Judgment and Order dated September 02, 2025 passed by the learned Chief Judicial Magistrate, Calcutta thereby convicting the petitioner under section 25(1B)(a) of Arms Act and sentenced him to undergo simple imprisonment for three years and six months and to pay a fine of Rs. 10,000/- in default to suffer further simple imprisonment for six months in connection with G.R. Case No. 314 of 2025.

Being aggrieved by the aforesaid judgment and order of conviction petitioner/convict preferred an appeal before the court below, who by the order dated 24.09.2025 admitted the instant appeal. However, the Appellate Court refused to suspend the sentence awarded to the petitioner/convict.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the court below has admittedly passed term imprisonment and referring a judgment passed by the Apex Court in **Bherulal –vs- State of Madhya Pradesh** reported in **2024 SCC Online SC 3319**, he submits that in such cases the sentences are to be suspended in the first instance and the convict are to be released on bail till the disposal of the appeal. He further submits that the petitioner/appellant has every chance of success in the appeal and as such the impugned order, which pertains to rejection of petitioner's prayer for suspension of sentence and prayer for bail shall be set aside.

Mr. Sur, learned counsel for the State opposed the prayer contending that the trial court has elaborately recorded reasons in the order as to why the prayer was refused and as such during hearing of the appeal, if the prayer for bail is allowed, there is every likelihood that the convict will abscond. Therefore, considering the gravity of the offence, the court below was justified in rejecting his prayer for suspension of sentence.

Having heard learned counsel for the petitioner and the State it appears that the trial court in the impugned order has rejected the prayer made by the petitioner upon consideration made by both the parties found that the allegation leveled against the convict is horrific and it has far reaching consequences in the

society at large and therefore he held, if the prayer for suspension is allowed it would have a far reaching effect in the society and would amount to travesty of justice.

In such circumstances, I find that when Appellate Court is not inclined to suspend the sentence the only option left before the Appellate Court is to dispose of the matter within a time bound programme.

In view of the above, CRR 4592 of 2025 is hereby disposed of with a direction upon the learned Chief Judge, City Sessions Court, Calcutta, to dispose of the appeal being Criminal Appeal No. 141 of 2025, within a period of three months from the next date of hearing without granting any unnecessary adjournments to either of the parties.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)