

04.09.2025
Item No.6
Court No.1
B.Pal

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

CRA(DB) 9 of 2025
with
CRAN 1 of 2025

In the matter of : Ramjan Ali
.... Appellant

Dr. Arjun Chowdhury,
Ms. Riya Agarwal
...for the appellant

Mr. Aditi Shankar Charkraborty,
Mr. Saikat Chatterjee,
...for the State

Mr. Abhishek Sakar
...for the VG

1. This is an application for suspension of sentence during the pendency of the appeal before this Court.
2. Dr. Chowdhury, learned advocate for the appellant submits that the incident was false and fabricated as the appellant had personal and political rivalry with the eye witness who adduced evidence as PW6. Mr. Chowdhury further relied on a decision of the Hon'ble Apex Court in the matter of Kashmira Singh vs. State of Punjab reported in (1977) 4 SCC 291 in support of the contention that the prolonged incarceration amounts to violation of Article 21 of the Constitution of India and the Court should suspend the sentence and enlarge the appellant on stringent conditions.

3. Learned advocate for the victim and the state have objected to the prayer for bail.
4. The records of the Trial Court have arrived. However, it is a matter of concern that the paper books are not yet ready.
5. We have gone through the materials on record and the evidence. The victim's evidence is unshaken. The medical report duly corroborates and supports the case of the victim. There was a eye witness and the appellant was caught red handed. The victim was eleven years old and the appellant was her neighbour, whom she addressed as "mama'.
6. Upon considering the above materials, we are not inclined to suspend the sentence. The application is dismissed.
7. Office is directed to prepare the requisite number of paper books within a week after reopening of the court after the puja vacation so that the hearing of the appeal can be expedited. Intimation be served upon the learned advocates upon preparation of paper books.

(Shampa Sarkar, J.)

(Prasenjit Biswas, J.)