

18.06.2026
Court No.13
Item No. 28
pk

CRA 392 of 2015

**Paresh Guria & Ors.
Vs.
The State of West Bengal**

Mr. Moinak Bakshi
Ms. Niketa Bhattacharjee
... For the appellant no. 1

Mr. Krishan Ray
Mr. Sekhar Mukherjee
Mr. Anindya Chowdhury
Mr. Subhajit Mukherjee
Ms. Isita Kundu
... For the appellant nos. 2 to 4

1. The order dated 07.05.2026 is mentioned for correction by the learned Advocate for the appellant no. 1.
2. In the first line of paragraph 7 at page 3 of the said order, the expression '*appellants*' shall stand corrected and be read as '*appellant no. 1*'.
3. Other portions of the said order shall remain unaltered.
4. This Court has already expressed its mind on the merits of the case in so far as appellant no. 1 viz. Paresh Guria is concerned. This Court had indicated that the incident occurred in the heat of the moment out of a sudden explosion of emotion and/or provocation. There was no pre-meditation on the part of the appellant viz. Paresh Guria.
5. In those circumstances, the appellant no.1 having suffered more than ten years of incarceration since conviction, the sentence of the appellant no. 1 is converted to the extent of sentence he has

already suffered under Part-II of Section 304 of the IPC. The findings of this court, indicated as prima facie on 07.05.2026, shall be deemed as confirmed findings.

6. So far as the other appellants are concerned, they had not specific role in causing any of the injuries on the victim. While they may have partially exhorted the appellant no. 1 viz. Paresh Guria, their conduct clearly indicates that there was no intent proof against them for having harmed the victim much less than any harm caused to the victim by them.

7. It also appears that the appellant no. 4 viz. Subhas Guria was found to be a juvenile by this court. Without going into any further nitty gritty of the matter, this Court is inclined to set at liberty all the appellants. Accordingly, the conviction of the appellant nos. 2 to 4 is set aside.

8. Appellant no. 1 viz. Paresh Guria, who is in jail, shall be released from custody, if not wanted in any other case, upon execution of a bond to the satisfaction of the Trial Court which shall remain in force for a period of six months in terms in terms of Section 437A of the Code of Criminal Procedure.

9. Appellant nos. 2 to 4, who are already on bail, shall be discharged from their bail bonds after expiry of six months in terms of Section 437A of the Code of Criminal Procedure.

10. Accordingly, CRA 392 of 2015 is allowed and disposed of. Consequently, all connected pending applications, if any, are also disposed of.

11. Trial Court records along with copy of this judgment be sent down at once to the learned Trial Court for necessary compliance.

12. All parties are directed to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)