

(2014) 11 TP CK 0017
In the Tripura High Court
Case No : Crl. Rev. P. No. 109 of 2007
Madhu Mallik VsThe State of Tripura

Date of Decision : 12-11-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 374(3), 397, 401
Penal Code, 1860 (IPC) — Section 498A

Citation : (2014) 11 TP CK 0017

Hon'ble Judges : S. Talapatra, J

Bench : Single Bench

Advocate : R. Datta, Advocate for the Appellant; R.C. Debnath, Addl. P.P,
Advocate for the Respondent

Judgement

S. Talapatra, J.—Heard Mr. R. Datta, learned counsel appearing for the petitioner as well as Mr. R.C. Debnath, learned Addl. Public Prosecutor appearing for the state.

2. By this petition filed under Section 397 read with Section 401 of the Cr.P.C., the judgment and order dated 13.08.2007, delivered in Criminal Appeal No. 10(1)/2006, passed by the Addl. Sessions Judge, West Tripura, Agartala, Court No. 3, has been called in question.

3. From the record, it appears that the petitioner has been convicted under Section 498A of the IPC by the judgment dated 06.02.2006 delivered in G.R. No. 254/2005 and he was awarded sentence of rigorous imprisonment for two years and a fine of Rs. 25,000 and in default of payment of fine, to undergo simple imprisonment for six months.

4. Being aggrieved by that judgment dated 06.02.2006, when the petitioner filed an appeal under Section 374(3) of the Cr.P.C., being Criminal Appeal No. 10(1)/2006, the finding of conviction was not interfered by the Addl. Sessions Judge, West Tripura, Agartala by the judgment dated 13.08.2007. However, after observing that the petitioner by that time has suffered the term of imprisonment, the amount of fine was reduced to Rs. 7,000 from Rs. 25,000. This petition questions both the finding of confirming the conviction under Section 498A of the

IPC and the sentence as modified by the Addl. Sessions Judge, West Tripura, Agartala.

5. After examining the impugned judgment and order and the records so produced, this court does not find any infirmity in the finding of conviction, but on observing the mitigating circumstances, such as, the petitioner has already suffered the entire period of imprisonment, this court is of the considered opinion that the fine as imposed on the petitioner be further reduced.

6. Accordingly, the sentence is interfered with and modified. The petitioner shall pay a fine of Rs. 2,000 (rupees two thousand) within a period of 30(thirty) days from today in the court of the Addl. Chief Judicial Magistrate, West Tripura, Agartala without fail and, in default thereof, he shall suffer simple imprisonment for 1(one) month. As the petitioner is enjoying the benefit of bail granted by this court, the sureties shall be treated discharged from their obligations only when the petitioner shall deposit the fine in the appropriate court.

7. In the result, this petition fails and accordingly it is disposed of, subject to the modification as indicated above.

Send down the LCRs forthwith.