

GR Case No. 2219/2016

06.01.2020: CR put up. Accused Ganga Sarkar is arrested and produced before me on the strength of NBWA issued against him. Perused the execution report and other enclosures. Perused the record. On being asked the accused stated that he has no illness and he has advocate. The accused vide Petition No. 83/2020 voluntarily pleads guilty in this case.

Copy is ready and furnished to him.

Heard both sides on the point of framing charge.

Perused the case record along with the case diary.

On such hearing and perusal it appears that, there is sufficient material to presume that the accused person has committed an offence punishable u/s. 279/338 IPC in this case. Hence, the particulars of the said offences are explained to him, to which he has voluntarily pleaded guilty.

His statement u/s.252 CrPC is recorded and kept with the case record.

On being pleaded guilty the accused person is held guilty u/s. 279/338 IPC and convicted for the same.

Considering the nature and gravity of the offence, I do not find it justified to extend the provisions of Probation of Offenders Act, in this case.

Upon hearing on the point of sentence the accused person has submitted that he is the sole bread-earner of his family and if he is sentenced to imprisonment his family will suffer a lot. The accused person prayed for imposing minimum punishment.

Accordingly, I find it justified that a lenient approach of punishment by imposing fine will serve the ends of justice in this case. Hence, considering all, the accused person is sentenced to pay,

- (i) a fine of Rs.1,000/- (One thousand only) u/s.279 IPC i/d to S.I. for 1 Month, and also
- (ii) a fine of Rs.10,00/- (One thousand only) u/s.338 IPC i/d to S.I. for 1 Month.

The fine money if paid by the accused is to be handed over the victim Rajib Roy of the case.

The case is disposed of accordingly.

Addl. CJM, Morigaon

Later on (06.01.2020)- The fine amount of Rs. 2,000/- (Two thousand only) is disposed by the accused. Issue fine receipt. Issue Release order. The BA is directed to deposit the fine amount to the treasury under refundable head.

Issue notice to victim. Victim is directed to appear along with his identity card & Bank Passbook.

Fix 12.02.2020 for appearance of victim.

Addl. CJM, Morigaon