

ST 1(12) 17
R – 98/2017
CNR WBSP04-000724-2017
JO Code No. WB00723

Order No.97
23.09.2024

The convict Saifuddin Mondal is produced from Judicial Custody against whom charge u/s 364/326/307/34 IPC has been established. He is taken for pronouncement of sentence after hearing the submission of the convict on the point as to why adequate punishment should not be awarded to him.

I asked the convict and he has stated nothing in his favour. The convict is informed that the sentence u/s 364/326/307/34 IPC which has been established today is imprisonment for life or rigorous imprisonment for 10 years and fine and he pleads mercy. The conduct of the convict was under my close scrutiny but in its negative repercussion and it is my fair guess that he is not haunted by any guilty feeling for his past misdeed.

Considering the grievous nature of the offence, I think that his conduct warranted nothing less but a sentence. I am of the view that it is not a case where the probation of Offenders Act should be invoked.

I think an appropriate punishment should be awarded to the convict. No doubt, the offence committed by him is detestable in nature stretching its derogatory impact upon demoralization of the nations values and morals. The offence is of grave character and has its ruinous effect on the society. The traditional values and morals is endangered.

Having heard the convict and at the same time, having a regard to the nature of the offence which is in my opinion is not against a tender aged boy but against the whole nation claiming as human beings and keeping in mind the age, antecedent and family condition of the convict, I impose the adequate imprisonment, as per law, to the convict to strike a balance between the crime and the punishment and with a view that the punishment will send a signal to the prospective offenders.

Considering the entire gamut of the crime and in my view this is not an extenuating circumstance which weighs in favour of the convict and I think that the proper punishment of the convict should be his rigorous imprisonment for 10 years and also to pay a fine of Rs.10,000/-

in default he will have to undergone RI for 1 year more for the offence u/s 364/34 IPC, rigorous imprisonment for 10 years and also to pay a fine of Rs.10,000/- in default he will have to undergone RI for 1 year more for the offence u/s 326/34 IPC, rigorous imprisonment for 10 years and also to pay a fine of Rs.10,000/- in default he will have to undergone RI for 1 year more for the offence u/s 307/34 IPC. All the sentences shall run concurrently.

The period of his detention in JC already undergone by him be set off against his sentence. He was in JC since 22.04.2017.

Let the convict namely, Saifuddin Mondal be sent to Dumdum Central Correctional Home by warrant of imprisonment for serving out of sentences.

After pronouncement of the sentence, the convict Saifuddin Mondal is informed that he has right to prefer an appeal before the Hon'ble High Court, Calcutta against the order of conviction and sentence. He is also informed that he is entitled to have free legal aid for preferring such appeal before the Hon'ble High Court, Calcutta.

The convict is willing to prefer an appeal and accordingly the Secretary, District Legal Aid Services Authority, South 24 Pgs at Alipore is requested to take necessary steps to provide the required Legal Aid to the convict namely, Saifuddin Mondal to enable him to prefer an appeal before the Hon'ble High Court, Calcutta against the order of conviction and sentence.

Let a certified copies of the instant order of conviction and sentence along with certified copies of all the depositions, exhibited documents and the statement of the accused/convict u/s 313 Cr.PC be forwarded to the Secretary, District Legal Aid Services Authority, South 24 Pgs at Alipore for information and for taking necessary action regarding preferring of appeal against the order of conviction and sentence.

Let a copy of this judgment be forwarded to District Magistrate, South 24 Pgs in terms of provision u/s 365 Cr.PC.

Let a copy of this Judgment be supplied to the convict free of cost forthwith u/s 366 Cr.PC.

This order shall be a part of the record and be tagged with the Judgment.

Dictated & Corrected by me.

**Addl. Sessions Judge
18th Court, Alipore,
District : South 24 Parganas**

**(MADHUMITA ROY)
Addl. Sessions Judge
18th Court, Alipore,
District : South 24 Parganas**