

Present: Debayan Ganguly

Addl. Chief Judicial Magistrate, Raghunathpur, Purulia (In-Charge).

J.O. Code- WB01313

Excise Case no.-22/2023 (Regd no. 22/2023)

Order dated 07.03.2026

The case record is put up by petition filed on behalf of the accused Sasthipada Mahato.

A petition is filed on behalf of the accused **Sasthipada Mahato** praying for pleading guilty in the present case on the grounds stated therein.

Both Ld. APP and Ld. Defence Counsel are present.

Heard both sides. The prayer for pleading guilty in the present case on behalf of the accused is hereby accepted.

According to Section 46 A (c) of Bengal Excise Act, the minimum punishment prescribed by the legislature for committing the offence is at least imprisonment for one month with fine.

Hon'ble Supreme Court of India in the matter of **Harendranath Chakrabarty V State of West Bengal reported in (2009) to SCC 758** has been pleased to observe that “ Ordinarily, the legislative sentencing policy as laid in some special Acts where the Parliamentary intent has been expressed in unequivocal terms should be applied. Sentence of less than the minimum period prescribed by the Parliament may be imposed only in exceptional cases”.

In the case in hand, this court finds that the imposition of the sentence of imprisonment upon the accused person for possessing few bottles of I.D Liquor of meager amount, except sentencing him to pay fine only, would not be justified for such minor offence, which makes the case exceptional within the meaning of the above mentioned direction of the Hon'ble Supreme Court.

Hence, the accused person Sasthipada Mahato is convicted for committing offence punishable u/s 46 A(c) of B.E. Act and sentenced to pay fine of Rs. 800/- I.D to SI for one month. If the fine is not paid by the accused issue warrant of imprisonment.

Note it in relevant register.

Sd/-

A.C.J.M., Raghunathpur (I/C)