



18-09-2025
ct no. 23
Sl. 7
sp

C.R.R. 964 of 2008
Goutam Bouri & Ors.
-Versus-

The State of West Bengal.

Mr. Soumik Ganguli,
Ms. Priti Burman.

..for the petitioners.

Ms. Faria Hossain,
Ms. Suparna Chatterjee,

...for the State.

1. This case is pending since 2008 and a very simple issue is involved around the application. Therefore, Ms. Faria Hossain along with her junior Ms. Suparna Chatterjee, learned advocates are requested to appear on behalf of the State and assist the Court as they are in empanel and generally appears for the State.
2. Let their appointments be regularized by the office of the learned Public Prosecutor, High Court at Calcutta. Heard both sides.
3. Six petitioners being the convicts have filed this revisional application under Section 401 read with Section 482 of the Code of Criminal Procedure, challenging the impugned judgment and order dated 3rd March, 2008 passed by the learned Sessions Judge, Bankura in Criminal Appeal No. 1 of 2008 thereby affirming the order dated 17th



December, 2007 passed by the Learned Judicial Magistrate, 6th Court, Bankura in Onda P.S. Case No. 521 dated 16.12.2007, N.G.R. No. 3011/2007, T.R.N. No. 902T/07 convicting the petitioners to suffer simple imprisonment for 5 days each and to pay a fine of Rs. 50/- each for the offence under Section 10 of the West Bengal Gambling and Prize Competitions Act, 1957.

4. It is the case of the petitioners that though the petitioners have pleaded guilty of an offence under Section 10 of the Act of 1957, the conviction has been awarded five-days' sentence together with fine of Rs. 50/- each, if such sentence of imprisonment is not modified, they would suffer great prejudice and it would be harsh and also shall create some problem in the future to the petitioners as well as their entire family for a petty offence. Petitioners pray for modification of sentence part towards imprisonment of 5 days only as they are ready to pay fine amount.
5. It is not disputed fact that the punishment of offence under Section 10 of the West Bengal Gambling and Prize Competitions Act, 1957 shall be punishable with fine not exceeded Rs. 200/- rupees or with Imprisonment for a term not exceeding one month or with both. In such a situation, Punishment can be imposed upon



- pleading guilty by the accused as minimum as possible.
6. Considering the nature of petty offence as they had committed by playing cards in an open place and Rs. 317/- were seized from their possession, matter is pending for almost 17 years and for the interest of justice, this court would like to modify the sentence in exercise of revisional jurisdiction and/or inherent power under Section 482 of the CrPC. They shall pay a fine of Rs. 50/- each only. The sentence of 5 days each is hereby set-aside.
 7. With the above observations, **CRR 964 of 2008** is disposed of with a direction to the petitioners to pay the fine amount of Rs.50/- each as awarded by the Trial Court within one week after the ensuing Puja vacation positively.
 8. In default, they will suffer 5 days imprisonment along with fine as held by the Trial Court as aforesaid. The Trial Court shall be at liberty to secure their attendance for the purpose of serving out the sentence.
 9. Interim orders, if any, shall stand vacated.
 10. Consequently, connected applications, if any, shall also stand disposed of.
 11. Let a copy of this order be communicated to the learned Trial Court for information.



12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)