

38.
25-02-2026
(ct. no.08)
S. De
266045

CRA 339 of 2021
I.A. No. CRAN 2 of 2022

In Re: Application under Section 389 of the Code of Criminal Procedure, 1973 / Section 430 of the Bharatiya Nagarik Suraksha Sanhita 2023.

In the matter of : Ashok Turi. ...applicant/appellant.

Mr. Sanat Kr. Das,
Mr. Sujon Chatterjee,
Mr. Rohan Bavishi, ...for the Applicant/Appellant.

Mr. Arijit Ganguly,
Mrs. Debjani Sahu, ...for the State.

Dictated by Arijit Banerjee, J.

In re : **CRAN 2 of 2022**

1. Service report filed by the State, be kept with the records.
2. It appears that the de facto complainant has received notice of this application for suspension of sentence.
3. Custody Certificate filed by the State, be also taken on record.
4. It appears that the petitioner is in custody for about ten years and two months taking into account the period of remission. He prays for suspension of sentence.
5. Learned advocate for the petitioner says that he presses his case solely on Article 21 of the Constitution of India and the ratio of the decision in the case of ***Kashmira Singh Vs. State of Punjab*** reported in ***(1977) 4 SCC 291***. This is an appeal of 2021. Paper Book is not even ready. Hence, his sentence should be suspended.
6. Learned advocate for the State strongly opposes the prayer. She says that the petitioner not only raped a nine-year old

girl, the petitioner thereafter killed the girl. No leniency should be shown to such a person.

7. We are conscious of the Fundamental Rights of a citizen enshrined in Article 21 of the Constitution of India. This appeal is pending for about five years. From a departmental note dated December 15, 2025, we find that Paper Book is not yet ready. The reason cited is non-availability of translations of documents in Vernacular language.

8. However, we have to balance out the petitioner's right under Article 21 of the Constitution of India vis-à-vis the extent of incriminating evidence that is available in support of the prosecution case. Prima facie, it appears that the petitioner, a thirty-five year old married person with two children, ravished a nine-year old girl and then killed her. We cannot also be oblivious of a victim's right to receive justice. Our conscience does not permit bail to be granted to the petitioner.

9. CRAN 2 of 2022 is dismissed.

10. We clarify that the observations made by us in this order are only for the purpose of disposing of the application for suspension of sentence and the same shall have no relevance at the final hearing of the appeal.

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11. The department is directed to ensure that Paper Book in connection with this appeal is made ready within three weeks from date (March 18, 2026). The department shall

ignore all anomalies including non-availability of translations of documents in Vernacular.

12. List this appeal for hearing on April 8, 2026, marked 2:30 P.M.
13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)