

17.05.2022.
6, 7 & 8.
Ct.No.28.
As
(Rejected)

C.R.A.582 of 2018
+
C.R.A.N.1 of 2019 (Old CRAN 2453 of 2019)
with
C.R.A. 612 of 2018
with
C.R.A.632 of 2018

In Re:- An application for bail in connection with appeal under Section 389 of the Code of Criminal Procedure.

In the matter of : Dukhe Laskar @ Dukha Laskar @
Safikul Laskar.
...Appellant/Petitioner in
C.R.A.582 of 2018.

In the matter of : Khairul Harun Laskar @ Khairul
Hassan Laskar @ Khairul Laskar.
... Appellant/Petitioner in
C.R.A. 612 of 2018.

In the matter of : Noor Islam Fair @ Khora Badshah.
...Appellant/Petitioner in
C.R.A.632 of 2018.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. Saibal Mondal.

...for the Appellant in
CRA 582 of 2018.

Mr. Arindam Sen,
Mr. Saurav Basu.

...for the Appellant in
CRA 612 of 2018.

Mr. Soubhik Mitter,
Ms. Aindrila De.

...for the Appellant in
CRA 632 of 2018.

Mr. Madhu Sudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State in
CRA 582 of 2018.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Zareen N. Khan,
Ms. Trina Mitra.

...for the State in
CRA 612 of 2018 & CRA 632 of 2018.

Mr. Milon Mukherjee, learned Senior Advocate appearing for the appellant in CRA 582 of 2018 submits evidence against his client is vague and sketchy. P.W.29 who stated the appellant ran business of illicit liquor during cross-examination prevaricated his stance. There is no other evidence forthcoming against the appellant. Mr. Mukherjee further submits he is in custody for eight years.

Mr. Neguive Ahmed, Learned Additional Public Prosecutor opposes the prayer for suspension of sentence. He submits evidence of P.W.29 ought to be seen as a whole. A stray sentence in cross-examination upon recall after two years cannot water down his evidence in chief. That apart, P.W.2 also referred to the role of appellant in running illicit liquor business where large number of people died by consuming illicit liquor.

In response Mr. Mukherjee submits no question was put to the appellant with regard to evidence of P.W.2 during the appellant's examination under Section 313 Cr. P. C.

We have considered the evidence on record. The case involves sale of illicit liquor which resulted in death of a large number of persons. Family members of the deceaseds were examined and P.Ws.2 and 29 have categorically disclosed role of the appellant in the said illicit liquor business. The aforesaid incriminating fact with regard to the appellant running illicit business has been put to him during examination under Section 313 Cr.P.C. though specific reference may not have been made to relevant witnesses. In our prima facie assessment, such

omission has not prejudiced the appellant. It is also important to note role of appellant in running illicit liquor business where large number of persons died by consuming illicit liquor has transpired through the evidence of P.W.29 which is corroborated by P.W.2. Hence, stray observation of P.W.29 upon recall after a lapse of two years ought to be taken with a pinch of salt.

In view of the evidence on record and the gravity of the offence which had resulted death of a large number of persons and has wide spread social ramifications, we are not inclined to suspend the sentence of the appellant.

Accordingly, the application, being CRAN 1 of 2019 (Old CRAN 2453 of 2019) is rejected.

All the appeals shall be heard analogously.

Paper books be prepared within eight weeks after ensuing summer vacation.

Needless to mention observations made in this order shall not have any bearing on the merits of the appeal during final hearing.

Liberty to mention.

Photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

