

01.09.2021
Court No.30
Item Nos. 08
Avijit Mitra

C.R.A. No.613 of 2018
with
CRAN No. 3 of 2021
(Via video Conference)

In Re:- Application for suspension of sentence under section 389 of the Code of Criminal Procedure;

And

In Re : Kalimuddin

Petitioner/Appellant

Mr. Angshuman Chakraborty

For the Appellant

Mr. Madhusudan Sur,
Mr. Monoranjan Mahata

For the State

This is an application for an order of suspension of sentence and grant of bail pending appeal against an order of conviction and sentence. The petitioner/appellant herein has been convicted of offences under sections 302/201 of the Indian Penal Code (in short, IPC).

Mr. Chakraborty, learned advocate appearing for the petitioner/appellant submits that the petitioner had already suffered incarceration for about six years. There is also no possibility towards early disposal of the appeal. In view thereof, the appellant's sentence may be suspended and he may be enlarged on bail on any stringent condition.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and submits that on the basis of the evidence on record the learned Court below arrived at a finding as regards the

guilt of the petitioner and as such, at this stage a different view cannot be taken on the basis of the selfsame evidence on record.

Records reveal that the appellant's earlier prayer for suspension of sentence was rejected by an order dated 19th November, 2019. It appears that appropriate steps were not taken by the appellant thereafter and there had been no substantial change in the facts and circumstances subsequent to rejection of the appellant's earlier prayer for suspension of sentence.

In view thereof, we are not inclined to exercise any discretion in favour of the appellant and his prayer for suspension of sentence is rejected.

However, it appears that paper books have already been prepared and collected by the learned advocates appearing for the respective parties.

In view thereof, list the appeal being CRAN 613 of 2018 for final hearing on 28th September, 2021.

Accordingly, the application being CRAN No. 3 of 2021 is dismissed.

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

(Rabindranath Samanta, J)

(Tapabrata Chakraborty, J)