

28.08.2025
Court No.13
Item No.4
pk

CRA 690 of 2018
With
CRAN 2 of 2020 (Old No: CRAN 296 of 2020)
With
CRAN 3 of 2021
Avijit Ghosh & others
Vs.
The State of West Bengal

Mr. Milon Mukherjee, Ld. Sr. Adv.
Mr. Biswajit Manna

... For the Appellants.

Mr. Anasuya Sinha,
Ms. Snigdha Saha

...For the State.

1. Mr. Milon Mukherjee, learned senior advocate is seeking suspension of sentence insofar as the appellant nos. 2 and 5, namely, Biswajit Ghosh and Debu Mukherjee on the ground that they are incarcerated for about 12 years now.

2. Mr. Mukherjee relies upon a decision of the Supreme Court of India in the cases of **Saudan Singh Vs. State of Uttar Pradesh** reported in **(2023) 17 Supreme Court Cases 446** and **Kashmira Singh Vs. State of Punjab** reported in **(1979) 3 SCC 428**.

3. This Court is of the view that conduct of the two applicants must be ascertained from the Superintendent of the Dum Dum Correctional Home.

4. The Superintendent of the Dum Dum Correctional Home is directed to send a report on the adjourned date as regards the conduct of the two applicants named above during incarceration and parole, if any. Report shall also indicate the actual tenure of incarceration suffered by the above named applicants together with any available remission.

5. Registry is directed to communicate this order to the Superintendent, Dum Dum Correctional Home for necessary compliance.
6. Counsel for the State shall produce the report on the adjourned date.
7. List the appeal on 9th September, 2025.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)