

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. OF 2015

(Arising out of S.L.P. (CrI.) Nos. 4988-4989 of 2015)

BISWANATH DUTTA AND ORS. ... APPELLANT(S)

VERSUS

STATE OF WEST BENGAL ... RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is directed against the judgments and orders passed by the High Court of Calcutta in CRAN 187 of 1988, dated 04.02.2015 and CRAN 1189 of 2015, dated 5.6.2015, whereby and whereunder the High Court and convicted the appellants herein under Section 323 of the Indian Penal Code, 1860 (for short 'the I.P.C.') and further directed that the accused nos.1, 2 and 3 before it shall undergo simple imprisonment of one month each and to pay a fine of Rs.1,000/- each, in default to undergo further simple imprisonment of 15 days each and also sentenced the accused no.4 before it, who is a juvenile at the time of the incident, to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment of 15 days. Aggrieved, the appellants are before us in these appeals, by way of Special Leave.

4. We have heard learned counsel for the parties to the lis and gone through the records of the case.

5. Having gone through the records of the case and in the peculiar facts and circumstances of the case, we are of the considered opinion that ends of justice would be met if we set aside the impugned judgment(s) and order(s) passed by the High Court and reduce it by increasing the fine amount from Rs.1,000/- to Rs.10,000/- each by the appellants.

6. Accordingly, we allow these appeals, set aside the impugned judgment(s) and order(s) and direct that the appellants shall pay a fine of Rs.10,000/- each, including the juvenile.

Ordered accordingly.

.....CJI.  
(H.L. DATTU)

.....J.  
(SHIVA KIRTI SINGH)

.....J.  
(AMITAVA ROY)

NEW DELHI,  
NOVEMBER 16, 2015.

ITEM NO.62

COURT NO.1

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).  
4988-4989/2015

(Arising out of impugned final judgment and order dated 05/06/2015  
in CRAN No. 1189/2015,04/02/2015 in CRA No. 167/1988 passed by the  
High Court Of Calcutta)

BISWANATH DUTTA AND OTHERS

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned  
judgment and interim relief and office report)

Date : 16/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH  
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Mr. Arup Banerjee, Adv.

For Respondent(s)

Mr. Parijat Sinha, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

(G.V.Ramana)  
AR-cum-PS

(Vinod Kulvi)  
Asstt.Registrar