15.10.2026
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sb.

Calcutta High Court
In The Circuit Bench at Port Blair
Appellate Side

CRR 63 of 2026

Smti. Sandhya Soni & Anr.
Vs.
The State

Mr. Gopal Binnu Kumar
...for the petitioner

Mr. Sumit Karmakar
...for the State

Liberty is given to the petitioners to amend the description of the petitioners in the cause title of the application.

The petitioners' contention are that after a full dressed trial, the Judicial Magistrate, First Class-II on 7.9.2022 held that the charge proved against all the accused persons including the present petitioners are proved and accordingly, convicted them for the offence punishable under Sections 147/342/324/504/506 of the IPC and they were also sentenced to suffer imprisonment for six months for committing offence punishable under Section 324 of the IPC and were also sentenced to suffer imprisonment for two months for committing offence punishable under Section 147 of the IPC. The convicts were also sentenced to pay fine of Rs. 500/- for each of the offences punishable under Sections 342/504/506 of the IPC and it was further ordered that both the sentences shall run concurrently.

Challenging the same petitioner along with others approached before the court of learned Additional Sessions Judge, Mayabandar being Criminal Appeal no. 11 of 2023 and vide judgment and order dated 23.8.2024, the appellate court dismissed the appeal filed by the petitioners and thereby affirmed the judgment of the Trial court.

Being aggrieved and dissatisfied with the judgment and order passed in Criminal Appeal no. 11 of 2023 by the learned Additional Sessions Judge, Mayabandar, one of the convict namely, Laxmi Roy preferred a Criminal revisional application before this court being CRR 3 of 2025 and this court by a judgment dated 9.7.2025 held that the petitioner, Laxmi Roy has committed offence unde Section 323/506 of the IPC and considering the fact that she regularly appeared before the Trial court and that she is not a habitual offender nor the she has committed any offence during the pendency of the case and also considering the fact that the case was initiated in the year 2011 and the petitioner, Laxmi Roy has faced trial till 2022 and that no case is pending against the petitioner, this High Court observed that the convict, Laxmi Roy is entitled to get benefit of Section 4 of the Probation of Offenders Act and accordingly, she was released on probation for a period of six months upon furnishing a bond of Rs. 1,000/-.

Learned counsel for the petitioners submits that the present petitioners/convict of the same case are on the same footing and they may also be released on probation.

Learned counsel for the State raised strong objection and contended that the present petitioners are not on the same footing with that of other convict namely, Laxmi Roy and therefore, the case of the present petitioners is required to be heard on merit.

Having considered the submissions made on behalf of both the parties, let the matter be listed before the next available Circuit Bench.

In the meantime, the judgment and order passed by the Trial court against the present petitioners on 7th September, 2022 in connection with G.R. case no. 283 of 2011 and the judgment passed by the Appellate court on 23rd August, 2024 in Criminal Appeal no. 11 of 2023 shall not be given effect till 30th November, 2026 or until further order, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)