HIGH COURT OF TRIPURA
AGARTALA
Crl.Rev.P.No.55 of 2024

Sri Arjun Sarkar,
Son of Sri Sadhan Sarkar,
Resident of village: Matabari, Kamarbag,
P.S. R.K. Pur, Udaipur,
District: Gomati, Tripura

----Petitioner/Accused(s)

Versus

The State of Tripura

---- Respondents (s)

For Petitioner(s)	:	Ms. Ayesha Saha Hirawat, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.
Date of Hearing	:	01.10.2026
Date of delivery of Judgment and Order	:	07.10.2026
Whether fit for Reporting	:	YES/NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This Criminal Revision Petition is filed challenging the judgment and order dated 05.08.2024 passed by Learned Sessions Judge, Gomati District Udaipur in connection with Case No.Criminal Appeal No.11 of 2023. By the said judgment and order Learned Sessions Judge, Gomati District, Udaipur uphold the judgment and order of conviction and sentence dated 16.11.2023 passed by Learned C.J.M, Gomati District, Udaipur in PRC(SP) 01 of 2022. Learned C.J.M. by the said judgment and order found the petitioner guilty and sentenced him to suffer RI for six months and to pay a fine of Rs.1,000/- under Section 279 of IPC i.d. to suffer RI for three months. He was further

sentenced to suffer S.I. for six months and to pay a fine of Rs.1,000/- under Section 184 of MV Act i.d. to suffer SI for three months. The petitioner-convict was further sentenced to pay a fine of Rs.1,000/- for the offence punishable under Section 179 of MV Act i.d. to suffer RI for three months. Again he was sentenced to pay a fine of Rs.5,000/- for having committed an offence punishable under Section 180 of MV Act i.d. to suffer further RI for six months and it was further ordered that the sentences shall run concurrently.

02. Heard Learned Counsel Ms. Ayesha Saha Hirawat appearing for the accused petitioner and also heard Learned P.P. appearing on behalf of the State.

03. At the time of Hearing Learned Counsel appearing for the accused petitioner submitted that the judgment and order of Learned C.J.M. as well as the judgment delivered by Learned Sessions Judge, Gomati District, Udaipur are perverse and suffers from infirmities and considering the materials on record there was no scope on the part of the Learned Trial Court to find the accused to be guilty. But the Learned Trial Court mis-appreciated the evidence on record and warranted conviction upon him for which the same needs to be interfered with. It was further submitted by Learned Counsel for the petitioner accused that no independent witnesses supported the prosecution story but the Learned Trial Court did not consider the contradiction surfaced from the evidence on record and came to a wrong conclusion that the petitioner accused

committed the offence on the alleged date and found him guilty for which the Learned Counsel urged for interference with the judgment.

04. On the other hand, Learned P.P. appearing on behalf of the respondent-State submitted that considering the evidence on record Learned Trial Court rightly found the petitioner to be guilty and there was no perversity or infirmity in the judgment delivered by Learned Trial Court as well as by the Learned Appellate Court. So in summing up Learned P.P. appearing for the State submitted that there is no merit in the petition filed by the petitioner and the same needs to be dismissed/rejected.

05. Now let us discuss about the gist of the prosecution story. On 28.10.2021 at about 2230 hours when the then SDPO Dhruba Nath along with staff were performing mobile duty in the area of Udaipur town that time he received an information from reliable source that a vehicle bearing No.TR03A-0697 (Maruti Suzuki Alto) was plying from Central road Udaipur towards Matabari loaded with contraband items. Accordingly after receiving the information he along with staff and SI Debabrata Biswas of R.K. Pur P.S. rushed to the spot near Bazar India to verify the information and found that one vehicle was coming in high speed and was proceeding towards Matabari and accordingly the driver was shown signal to stop the same. But the driver did not stop the vehicle rather denying the signal he dashed the official vehicle of SDPO, Udaipur

bearing No.TR03-1181(Bolero LX) in rash and negligent manner. Immediately thereafter the vehicle was chased which was driven dangerously in zig zag manner and on arrival at Peratia Forest drop gate the driver lost his control on the vehicle and the vehicle capsized near the forest. After due search 55 nos. of bottles of foreign liquor were recovered from the vehicle and being asked the driver could not show any valid documents and accordingly a separate PR was submitted against the petitioner-accused under Section 45 of T.E Act and also this FIR was registered. The case was investigated and after conclusion of investigation the I.O. laid chargesheet against the petitioner accused under Section 279/427 of IPC read Section 179/181/184 of MV Act. Accordingly cognizance of offence was taken by Learned CJM, Gomati District and the accused stood trial.

06. To determine the case Learned CJM framed four points and to substantiate the prosecution case prosecution in total adduced 13 nos. of witnesses and relied upon some documents which were marked as exhibits. The defence case was total denial. So the petitioner as accused denied the prosecution allegation in course of his examination under Section 313 of Cr.P.C. and denied to adduce any witness in support of his defence. Finally on conclusion of trial Learned Trial Court found the appellant to be guilty and convicted him accordingly which has been challenged to the Court of Sessions and Learned Sessions Judge by order dated 05.08.2024 in Crl.(A) No.11 of 2023 dismissed the

appeal filed by the petitioner affirming the judgment and order of conviction and sentence passed by Learned CJM.

07. Heard both the sides and perused the evidence on record of the prosecution. As already stated, the prosecution to substantiate the prosecution case adduced total 13 nos. of witnesses.

08. PW-1, Dhruba Nath is the then SDPO. He deposed that on 28.10.2021 at about 10.30 p.m. he received one information that one Maruti Alto vehicle bearing No.TR 03 A 0697 was proceeding towards Matabari from Central Road carrying contraband items. On receipt of the information they were waiting near Bazar India and informed the PS when some other police staff reached therein and after that the vehicle driven by the present petitioner accused came when the police personnel gave signal to stop but the accused did not stop the vehicle. The accused in spite of stopping the vehicle dashed against other vehicle parked therein and rushed towards Matabari. Police personnel also chased him and at Peratia the vehicle could be detained and when on search some bottles containing foreign liquor were recovered. It was also found that the driver also plying the same without driving license. Said PW-1 further stated that owing to dashing the front side bumper of his official vehicle got damaged. This witness was thoroughly cross-examined by the petitioner-accused. But during cross-examination nothing come material showing innocence of the petitioner-accused.

09. PW-2, Prabal Paul is the PG of the then SDPO Udaipur who supported the version of PW-1.

10. Similarly PW-3 Dayal Sagar Jamatia also deposed in the same manner like PW-1 and PW-2. The petitioner-accused by the trend of cross-examination could not raise any doubt to disbelieve their evidence.

11. Similarly PW-4, Debabrata Biswas, PW-5, Pradip Debbarma who were present to the P.O. on the relevant point of time also supported the version of PWs-1, 2 and 3.

12. PW-6, Atikul Islam Khadim is a seizure list witness. PW-7, Jhantu Ranjan Mandal is also another seizure list witness.

13. PW-8, Rupasree Debbarma submitted that on 16.11.2021 the I.O. seized at Bagma outpost one white Maruti Suzuki Alto vehicle bearing No. TR 03 A 0697 along with some documents wherein she gave her signature.

14. PW-9, Khokan Saha is the I.O. who submitted chargesheet against the present petitioner accused.

15. PW-10 Dipak Deb deposed that on 28.10.2021 he was standing near Bazar India along with their SDPO, Dhruba Nath when a vehicle bearing No.TR 03 A 0697 came from New Town Road in high speed and it was chased later on bottles containing foreign liquor was recovered.

16. PW-11, Abhijit Das is the driver of the vehicle of SDPO, Udaipur. He also supported the prosecution story.

17. PW-12, Sourav Chowhan is the MVI examined the motor vehicle belonging to the accused.

18. PW-13, Prembhakta Jamatia deposed that he was the previous owner of the Alto vehicle which was later on sold to Arjun Sarkar.

The said witnesses were also thoroughly cross-examined by the petitioner-accused. But their evidences could not be shattered at any length by the accused.

19. Learned Counsel for the petitioner in course of hearing of argument although submitted that the evidence of the prosecution suffers from infirmities but at the time of hearing she could not satisfy the Court as to how the evidence of prosecution witnesses be disbelieved because from the evidence of the prosecution it appears that all the witnesses very categorically stated that on the alleged date and time the accused-petitioner had driven the vehicle in high speed and caused damaged to the official vehicle of the SDPO, Udaipur and tried to escape but failed. The petitioner accused by the trend of cross-examination of the witnesses could not raise any circumstance to disbelieve their evidence. Learned Counsel for the petitioner further submitted that considering the nature and gravity of the offence the imprisonment part may be set aside and fine may be imposed upon the accused only.

Learned P.P. also submitted that in this case the fine amount may be increased.

20. I have perused the evidence on record. As already stated the petitioner-accused by the style of cross-examination could not discard the evidence on record of the

prosecution. So after going through the evidence on record it appears to this Court that the Learned Trial Court after considering the materials on record rightly found the petitioner guilty which has been affirmed by the Appellate Court and as such in the considered opinion of this Court there is no scope to interfere with the judgment delivered by Learned Trial Court affirmed by Learned Sessions Court, Gomati District, Udaipur. However, since there is no other evidence on record that the accused petitioner committed any offence earlier at any point of time so *prima facie* he is a first time offender. So some lenient view may be taken in respect of punishment imposed upon the petitioner.

21. In the result, I find no merit in the revision petition filed by the petitioner accused and accordingly the same stands rejected being devoid of merit. However, considering the nature and gravity of the offence and also the fact that the petitioner is first time offender the imprisonment delivered by Learned CJM, Gomati District, Udaipur affirmed by Learned Appellate Court i.e. the Learned Sessions Judge, Gomati District, Udaipur is hereby converted to fine only and accordingly maintaining the conviction under the aforesaid provisions of law, the present petitioner is asked to pay Rs.1,000/- under Section 279 of IPC, Rs.1,000/- under Section 184 of MV Act, Rs.1,000/- under Section 179 of MV Act, Rs.5,000/- under Section 181 of MV Act in total Rs.8,000/- (eight thousand) in default to suffer imprisonment for four months. The fine amount shall

be deposited by the petitioner accused to the Court of Learned CJM, Gomati District, Udaipur within a period of fifteen days from the delivery of judgment.

With this observation, this present petition stands disposed of.

Send down the LCR to the Learned CJM, Gomati District, Udaipur along with a copy of this judgment/order.

Also a copy of this judgment/order be communicated to the Court of Learned Sessions Judge, Gomati District, Udaipur.

Also supply a copy of this order to the Learned Counsel for the petitioner for information and compliance.

JUDGE

HIGH COURT OF TRIPURA
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