

Sessions Trial No. 01(11)2024

Sessions case No. 77 of 2024

Tala PS Case No. 52 of 2024 dated 09.08.2024 (RC 0482024S0010 dated 13.08.2024)

Order No. 35 dated 20.01.2025

The accused **Sanjay Roy** is produced from J/C.

The Ld. Senior PP CBI Sri Anurag Modi along with Ld. Special PP CBI Partha Sarathi Dutta are present.

The defacto complainant (father of the victim) and the mother of the victim turned up in person with Ld. Counsel.

Ld. Assistant LADC Kabita Sarkar and Ld. Assistant LADC Senjuti Chakroborty are present.

Today is fixed for hearing the accused on the point of sentence and pronouncement of sentence.

At the outset, it was submitted by the Ld. Advocate for the complainant as well as the Ld. PP CBI that till date there is no stay order of any proceeding of this trial.

Heard the convict and Ld. PP, CBI, Ld. Advocate for the accused and Ld. Advocate for the complainant on the point of sentence. Considering submission of convict and Ld. PP, CBI, Ld. Advocate for the accused and Ld. Advocate for the complainant, order of sentence in respect of convict is passed in open court in following manner:

Hence, it is

O R D E R E D

The convict **Sanjay Roy** is sentenced u/s 258(2) BNSS to suffer

(i) R.I for life and fine of Rs.50,000.00 (u/s 395 BNSS) for offence u/s 64 BNS, in default to suffer SI for five months

(ii) R.I for life and fine of Rs.50,000.00 (u/s 395 BNSS) for offence u/s 103(1) BNS in default SI for five months.

(ii) R.I for remainder of the convict's natural life for offence u/s 66 BNS.

All the sentences will run concurrently.

Period of detention in connection with this case at the time of investigation, will be set off as per the provision of S.468 BNSS.

Let a copy of this judgement be handed over to the convict free of cost.

Let a copy of this order be sent to the Judge in charge, Civil Copying Department with the request to provide true copies of this judgement to the accused and Ld. PP for CBI free of cost.

The convict is informed in open court in Bengali language (which is his mother tongue) that he has the right to prefer appeal against this judgement and that he has the right to avail legal aid for filing of the said appeal by taking assis-

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tance of the District Legal Services Authority South-24 Parganas.

The Superintendent Presidency Correctional Home is directed to assist the convict so that he may get legal aid, if applied for.

The Secretary DLSA South 24-Parganas is also directed to take proper steps so that the convict can file appeal from the J/C by taking legal aid, if needed.

Compensation u/s 396 BNSS:-

As per the provision of S. 2(y) of BNSS the term *victim* means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardians or legal heirs of the said victim.

Here in this case, the daughter of the complainant is the sufferer and she had lost her life and she left behind her parents and as such they come within the purview of the definition of "*victim*" as per the provision of S.2(y) BNSS.

In the instant case, since the time of death of the daughter of the complainant, they are passing their days with trauma and they are visiting the court to get justice on each and every day.

Their pain and sufferings cannot be compensated with any liquid cash but at the same time I think that as the death of the victim was caused while she was on duty, the State has also the liability to pay compensation which will be in addition to the compensation ordered u/s 395 BNSS.

Following the guideline of NALSA, I recommend compensation to the tune of Rs. 10,00,000/- (Rupees ten lakhs) on account of loss of life and Rs.7,00,000/- (Rupees seven lakhs) for commission of rape upon the victim.

D/C by me

Digitally signed by Anirban Das
Date: 2025.01.20 18:16:45

*Addl. Sessions Judge,
1st Court, Sealdah
South 24 Parganas*

(Anirban Das) (WB 00691)
*Addl. Sessions Judge
1st Court, Sealdah
South 24 Parganas*