

**HIGH COURT OF TRIPURA
AGARTALA
Crl.Rev.P 37 of 2024**

Sri Dhruba Jyoti Dey

.....Petitioner(s)

Versus

The State of Tripura & Anr.

.....Respondent(s)

For the Petitioner(s)	:	Mr. D. Biswas, Advocate.
For the Respondent(s)	:	Mr. R. Dutta, P.P. Mr. S. Das, Advocate.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
ORDER**

14.08.2024

This Present Criminal Revision Petition has been filed under section 397 read with Section 401 of the Cr.P.C 1973 seeking the following reliefs:-

" i. Issue notice calling upon the respondent and each one of them, to show cause as to why the Order dated 27.04.2022 passed by the Court of learned Chief Judicial Magistrate, South Tripura, Belonia in connection with the case marked as N. 1.07 of 2020 shall not be quashed/set aside for rendering substantive and conscionable justice to the revision petitioner and further restore the same in the file, by remanding the case to the appropriate trial Court with a specific direction to try the case summarily.

ii. Call for the records appertaining to this petition.

iii. After hearing the parties, be pleased to set aside/ quashed the Order dated 27.04.2022 passed by the Court of learned Chief Judicial Magistrate, South Tripura, Belonia in connection with the case marked as N.I. 07 of 2020 on any condition as this Hon'ble High Court deems fit and appropriate with a specific direction to try the case summarily.

[2] Heard Mr. D. Biswas, learned counsel appearing for the petitioner. Also heard Mr. S. Das, learned counsel appearing for the respondent No.2. Mr. R. Dutta, learned P.P also present before this Court on behalf of the respondent-State.

[3] The case of the petitioner in brief, is that, the petitioner and respondent No.2 both are working in Paikhola Hospital, South Tripura in their respective posts. Respondent No.2 in dire need of money borrowed Rs. 2,00,000/- (Two Lakhs) from the petitioner and the petitioner also paid the requested sum. On 25.11.2019 the respondent No.2 issued a cheque to return the borrowed amount but after depositing the cheque, the drawee bank of the petitioner declined the same on the ground of insufficiency of fund. On informing the issue respondent No.2 requested the petitioner to deposit the cheque again in the month of February. But once again the said cheque was returned by the banker of the revision petitioner stating insufficiency of funds. Thereafter, the petitioner herein served a legal notice for making payment but the said notice remained untouched. Hence, this revision petition.

[4] Being aggrieved and dissatisfied with the impugned order dated 27.04.2022 passed by the Ld. Chief Judicial Magistrate, South Tripura, Belonia in N.I 07 of 2020, the revision petitioner approached this court.

[5] Mr. D Biswas, learned counsel submits before this Court that as per order dated 02.08.2024 passed in I.A No. 01 of 2024 in CrI.Rev.P. No. 37 of 2024 cost of Rs. 10,000/- has been paid by him in favour of Tripura High Court Bar Association. He further submits before this Court that learned trial court had miserably failed to appreciate the fact that revision petitioner as complainant and the respondent –opposite party No.2 as accused were absent as well during the course of proceeding in the learned Court below. Hence, he prayed before this Court to remand back the matter to the court below for fresh adjudication.

[6] On the other hand, Mr. S. Das, learned counsel submits before this court that the impugned order dated 27.04.2022 is just and proper and needs no interference and prayed to dismiss the present revision petition.

[7] After perusal of the record, it is made clear by this court that on the next date of hearing the petitioner herein shall co-operate with the court proceeding without taking any further adjournment.

[8] In the event, if the Court below comes to an opinion that the petitioner herein is not co-operating with the Court proceeding and is delaying the process, it is open for the Court below to proceed with the matter in accordance with law. The date shall be communicated by the Court below to both the parties in advance. Accordingly, the matter is remanded back for fresh adjudication.

With the above observation and direction, this present Criminal Revision Petition stands allowed and thus disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE

Paritosh

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR
SUHANJIT SINGHA
Date: 2024.08.28
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