

**HIGH COURT OF TRIPURA
AGARTALA**

CRL.REV.P. No.56 of 2023

Subrata Choudhury

-----Petitioner(s)

Versus

Sanjit Majumder and Anr.

-----Respondent(s)

For Petitioner(s)	:	None
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. S. Ghosh, Addl. P.P. Mr. Ratan Datta, Adv.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

21/03/2024

Learned counsel for the petitioner found to be absent when the matter is taken up for hearing as he is engaged in some other court. Mr. Ratan Datta, Learned counsel is present for the respondent No.1. Learned P.P. Mr. Raju Datta along with Mr. S. Ghosh, Learned Addl. P.P. both are also present on behalf of the respondent-state.

At this stage, Learned counsel for the respondent No.1 submitted that the subject matter of dispute has been amicably settled amongst the parties and the present petitioner being the convict has paid the entire fine money as per order of the court to the respondent No.1. As such, Learned counsel for the respondent No.1 prayed for dismissal of this case.

Learned P.P. also opined the same view.

This present case arose challenging the judgment dated 15.09.2023 delivered in Criminal Appeal No.19 of 2019 by the Learned Sessions Judge (In-charge), South Tripura, Belonia. The Learned Sessions Judge (In-charge) by the said judgment uphold

the order of conviction of Learned Trial Court but modified the judgment of the Learned Trial court and imposed fine to the petitioner convict amounting to Rs.90,000/- (ninety thousand) in default to suffer simple imprisonment for six months. Initially the Learned Trial court by judgment dated 19.07.2019 in connection with Case No.NI 3 of 2017 convicted the present petitioner under Section 138 of NI Act and awarded sentence to suffer simple imprisonment for one year and fine of Rs. 90,000/- (ninety thousand) in default to suffer simple imprisonment for further two months.

Challenging that judgment the petitioner convict preferred an appeal before the court of Learned Sessions Judge and the Learned Sessions Judge modified the sentence and only imposed fine of Rs.90,000/- (ninety thousand) in default to suffer simple imprisonment for six months. Being dissatisfied with the judgment the petitioner convict has preferred this revision petitioner before the High Court.

In course of hearing Learned counsel for the respondent No.1 and Learned P.P. submitted that the petitioner was convicted under Section 138 of NI Act which is also a compoundable offence as per provision of Section 147 of NI Act. They have further submitted that in view of the provision provided under Section 320(6) of Cr.P.C. similar power is also given to the High court and court of Sessions to allow any person to compound any offence which such person is competent to compound under that section and as per Section 320(8) of Cr.P.C. in the event of compounding

such offence shall have the effect of an acquittal of the accused with whom the offence has been compounded.

Considered.

After hearing submission from the Learned counsel representing the respondent No.1, the complainant, since he has received the entire fine amount from the petitioner convict so the complainant is also not willing to proceed further with this case. No formal petition in this regard is submitted by the parties. Since the victim complainant is not interested to proceed further with this matter as he has realized the entire fine amount from the petitioner convict so there is no ground to discard of the case treating the same as submission under Section 147 of NI Act. Learned P.P. also shared the same view.

So considering the submission of Learned P.P. as well as the submission of Learned counsel for the respondent No.1 complainant, since the dispute has been amicably settled amongst the parties and the complainant has been received the fine amount from the accused petitioner, so the offence is permitted to be compounded and accordingly the present petitioner is acquitted of the charge levelled against him under Section 138 of NI Act. He is accordingly discharged from the case and his bail bond and the bail bond of the surety also stands discharged.

A copy of this order be communicated to the Learned courts below along with LCR.

The case is thus finally disposed of.

**SABYASACHI
BHATTACHARJEE**

Moumita

Digitally signed by SABYASACHI
BHATTACHARJEE
Date: 2024.03.21 22:10:03 -07'00'

JUDGE