

GAHC010020892021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./38/2021

DALIM GOGOI @ DALIM KUMAR GOGOI
S/O LATE JUGAL CH. GOGOI, R/O UPPER HENGRABARI, NEAR NABAJYOTI
CLUB, HOUSE NO. 09, HENGRABARI BARBARI ROAD, P.S.-DISPUR, P.O.-
HENGRABARI, GUWAHATI-32, DIST-KAMRUP(M), ASSAM

VERSUS

SMTI. CHANDRA PRAVA DAS
W/O SRI PARAMA NANDA DAS, R/O HOUSE NO. 190, HILL TOWN
HOSPITAL ROAD, KAILASHPUR HENGRABARI, P.S.-DISPUR, GUWHATI-36,
DIST-KAMRUP (M), ASSAM

Advocate for the Petitioner : MR. K M HASSAN

Advocate for the Respondent : MR. S J SARMAH (R-1)

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

17-07-2024

Heard Mr. K M Hassan, learned counsel for the petitioner and Mr. S J Sarmah, learned counsel for the sole respondent.

In a proceeding under Section 138 of the Negotiable Instruments Act, 1881, the learned Judicial Magistrate First Class, Kamrup (Metro), Guwahati in CR Case No. 948/2014 found the petitioner guilty under Section 138 of the Negotiable Instruments Act, 1881 and accordingly by order dated 11.09.2019 convicted him, directing to deposit Rs. 3,40,000/- as compensation to the complainant against the cheque amount of Rs. 3,00,000/-, in default to undergo simple imprisonment for 2 (two) months on failure to pay the said amount of Rs. 3,40,000/-.

Against the same, the petitioner preferred an appeal before the learned Sessions Judge, Kamrup (Metro), Guwahati being Criminal Appeal No. 178/2019 and the learned Additional Sessions Judge No. 5, Kamrup (Metro), Guwahati by judgment dated 23.12.2020 dismissed the said criminal appeal of the petitioner upholding the order dated 11.09.2019 of the learned JMFC, Kamrup (Metro), Guwahati passed in CR Case No. 948/2014 under Section 138 of the Negotiable Instruments Act, 1881.

Against the same, the petitioner preferred this criminal revision petition.

During the deliberation of the matter, it was placed before the Court that the petitioner was suffering from cancer and medical documents in that regard were placed before the Court.

Mr. K M Hassan, learned counsel has submitted that the petitioner, namely, Dalim Gogoi @ Dalim Kumar Gogoi, in the meanwhile has expired in the month of January, 2024.

On being enquired, Mr. K M Hassan, learned counsel has submitted that pursuant to the order of the Court dated 07.06.2023, the petitioner during his lifetime, deposited Rs. 30,000/- before the learned JMFC, Kamrup (Metro), Guwahati on 09.06.2023.

The sole respondent is allowed to withdraw the said amount of Rs. 30,000/- from the office of

the learned JMFC, Kamrup (Metro), Guwahati relating to CR Case No. 948/2014, after furnishing his proof of identity.

In view of the above, this criminal revision petition, being infructuous, stands dismissed.

Registry shall return the records of Criminal Appeal No. 178/2019 as well as CR Case No. 948/2014 to the Courts of the learned Additional Sessions Judge No. 5, Kamrup (Metro), Guwahati and the learned Judicial Magistrate First Class, Kamrup (Metro), Guwahati respectively, along with copies of this order.

JUDGE

Comparing Assistant