

GAHC010043392024



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

**Case No. : Crl.Rev.P./90/2024**

SMTI. SARMISTHA DEV  
W/O LATE RISHIKESH DEV, R/O HOUSE NO.-2, 2ND FLOOR, ANKITA  
BHAWAN, OPP. TO AXIS BANK, REHABARI, A.K. AZAD ROAD, P.O.-  
REHABARI, P.S.-PALTAN BAZAR, GUWAHATI-781008, DIST.-KAMRUP (M),  
ASSAM

VERSUS

SMTI. ANITA CHAKRABORTY AND ANR.  
W/O LATE SUKESH CHAKRABORTY, R/O NIBAS APARTMENT, ULUBARI,  
NEAR DGP OFFICE, P.O.-ULUBARI, P.S.-PALTAN BAZAR, GUWAHATI-  
781007, KAMRUP (M), ASSAM.

2:THE STATE OF ASSAM  
REP. BY THE P.P.  
ASSAM

**Advocate for the Petitioner : MR. M NATH**

**Advocate for the Respondent :**

Linked Case : I.A.(Crl.)/242/2024

SMTI. SARMISTHA DEV  
W/O LATE RISHIKESH DEV  
R/O HOUSE NO. 2  
2ND FLOOR  
ANKITA BHAWAN

OPP. TO AXIS BANK  
REHABARI  
A.K. AZAD ROAD  
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KAMRUP (M)  
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Advocate for : MR. M NATH  
Advocate for : appearing for SMTI. ANITA CHAKRABORTY AND ANR.

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**11.03.2024**

Heard Mr. M. Nath, learned senior counsel assisted by Mr. A. Roy, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P, Assam and Mr. K.D. Chetri, learned counsel for the respondent No. 1.

This is an application under Section 401 read with Sections 397 and 482 of the Cr.PC, 1973 assailing Judgment & Order dated 06.06.2023 passed by the

learned Additional Sessions Judge No. 1, Kamrup (M), Guwahati in Criminal Appeal No. 49/2020, whereby upholding the Judgment & Order dated 29.02.2020 passed by the learned Judicial Magistrate First Class, Kamrup (M), Guwahati in C.R. Case No. 3619/2017 was up-hold.

Mr. M. Nath, learned senior counsel submits that in the meantime, the matter has been settled out of Court and in support of the aforesaid submission, he draws the attention of the Court to the affidavit sworn in by the respondent No. 1 before the Notary Public, Kamrup (M), which is annexed at page No. 67 of the petition.

A perusal of the aforesaid affidavit indicates that the complainant/respondent No. 1 have deposed on oath that the parties have amicably settled the matter outside the Court and in terms of the amicable settlement, she has received the entire amount of compensation of Rs. 2,03,370/- from the petitioner.

Mr. K.D. Chetri, learned counsel for the respondent No. 1 confirms the same.

In view of the aforesaid endorsement made between the learned counsels for both sides, this Court is of the considered view that in view of the amicable settlement arrived between the parties, nothing survives in the present criminal revision petition and accordingly, the impugned Judgment & Order dated 06.06.2023 passed by the learned Additional Sessions Judge No. 1, Kamrup (M), Guwahati in Criminal Appeal No. 49/2020 arising out of Judgment & Order dated 29.02.2020 passed by the learned Judicial Magistrate First Class, Kamrup (M),

Guwahati in C.R. Case No. 3619/2017 is hereby set aside.

With the aforesaid observation and direction, this criminal revision petition stands disposed of.

**JUDGE**

**Comparing Assistant**