

GAHC010203442022



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

**Case No. : Crl.Pet./1026/2022**

DWIPEN SARMAH  
S/O- LATE GOPAL SARMAH, C/O- CREATIVE POLYPACK INDUSTRIAL  
AREA, P.O. BAMUNIMAIDAN, P.S. CHANDMARI, GUWAHATI-781008, DIST.  
KAMRUP(M), ASSAM

VERSUS

HEMANTA KUMAR ADHIKARY AND ANR  
PROPRIETOR OF ADHIKARY PAT MUGA UDYOG, S/O- LATE SRICHAND  
JALAN, HOUSE NO. 8, SANTI PATH NABIN NAGAR, P.O. ZOO ROAD, P.S.  
CHANDMARI, GUWAHATI-781024, KAMRUP(M), ASSAM AND ANOTHER  
ADDRESS- HEMANTA KUMAR ADHIKARY, S/O- LATE BHAGABAN  
CHANDRA ADHIKARY, P.O. BORSOLA, P.S. DHEKIAJULI, SONITPUR, PIN-  
784110, ASSAM

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

**Advocate for the Petitioner** : MR P DAS, MR. P JAIN,MR A SARMA,MR P PRAWAR

**Advocate for the Respondent** : PP, ASSAM,

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

**ORDER**

**19-08-2024**

Heard Mr. P K Kalita, learned counsel for the petitioner and Ms. N Das, learned Additional Public Prosecutor, Assam for the State respondent No. 2.

**2.** It is submitted before the Court by Mr. Kalita, learned counsel for the petitioner that the learned Sub-Divisional Judicial Magistrate No. 1, Kamrup (Metro), Guwahati by its order dated 10.03.2021 passed in C.R. Case No. 6295<sup>C</sup>/2018 rejected the claim of interim compensation filed under Section 143 of the Negotiable Instruments Act, 1881 payable to the petitioner by the respondent No. 1. Thereafter, by judgment dated 16.06.2022 passed by the learned Additional Sessions Judge No. 2, Kamrup (Metro), Guwahati in Criminal Revision No. 20/2021 rejected the said revision petition of the petitioner upholding the order of the learned SDJM No. 1, Kamrup (M), Guwahati dated 10.03.2021. Hence, the petitioner filed this criminal petition being aggrieved with those two orders dated 10.03.2021 and 16.06.2022, noted above.

**3.** Mr. Kalita, learned counsel for the petitioner has submitted that during pendency of this criminal petition, the learned SDJM No. 1, Kamrup (M), Guwahati disposed of the said C.R. Case No. 6295<sup>C</sup>/2018 preferred by the petitioner as a complainant against the respondent No. 1, convicting the said respondent No. 1 for the offence under Section 138 of the NI Act vide judgment dated 07.07.2024 and sentenced him to undergo simple imprisonment for 6 (six) months and to pay compensation of Rs. 6,00,000/- to the complainant/petitioner, in default to pay such compensation, to undergo simple imprisonment for another 3 (three) months.

**4.** As such, Mr. Kalita, learned counsel, on instruction, has submitted that in view of the above, the petitioner is not pressing this petition.

**5.** Accordingly, this criminal petition, being not pressed, stands dismissed.

**JUDGE**

**Comparing Assistant**