

GAHC010232372017



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

Case No. : Crl.Rev.P./28/2017

DEEPA DEKA
W/O SRI JYOTIRMOY DEKA R/O PASCHIM BORAGAON, NEAR GAKHIR
CHOWK, DEVKOTANAGAR, P.S. GORCHUK DIST. KAMRUP METRO,
ASSAM.

VERSUS

THE STATE OF ASSAM and ANR.

2:3 NO. MATRI MANGAL SANCHAY
REP. BY ITS PRESIDENT SMTI. EENA PATHAK R/O WEST BORAGAON P.O.
DEVKOTANAGAR P.S. GORCHUK PIN - 781033
DIST.KAMRUP METRO
ASSAM

Advocate for the Petitioner : MR.S DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 18.07.2024

Heard Ms. R. R. Muzib, learned counsel for the petitioner. Also heard Mr. S. Rabha, learned counsel appearing on behalf of Mr. R. Chakraborty, learned counsel for the respondent No. 2 and Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent No. 1.

This is a criminal revision petition under Sections 397/401 of the Code of Criminal Procedure, 1974, against the judgment and order of conviction dated 30.11.2016, passed by the learned Additional District & Session Judge No. 4, FTC, Kamrup(M), Guwahati in Criminal Appeal No. 77/2016, upholding and modifying the judgment dated 21.03.2016, passed by the learned Judicial Magistrate First Class, Kamrup(M), Guwahati in C.R. Case No. 3598/2013, under Section 138 of the negotiable Instrument Act.

It is submitted by Ms. Muzib, learned counsel for the petitioner, that the learned Additional District & Session Judge No. 4, FTC, Kamrup(M), Guwahati partly allowed the appeal and modified the sentence to the extent that the period of sentence in default of payment of compensation of Rs. 1,10,000/- (Rupees one lakhs ten thousand) only was modified. However, the rest of the part of sentence, i.e. the imprisonment for 6 (six) months and the compensation of Rs. 1,10,000/- (Rupees one lakhs ten thousand) only was upheld. However, it is submitted that the matter has already been amicably settled between the

parties.

In this context, Mr. S. Rabha, learned counsel appearing on behalf of respondent No. 2, also submitted that the respondent No. 2 had already received the awarded compensation amount of Rs. 1,10,000/- (Rupees one lakhs ten thousand) only in 2 (two) installments and in that regard, both the parties have jointly filed an additional affidavit and the money receipts are also annexed along with the additional affidavit. Accordingly, Mr. Rabha submitted that they do not have any objection if the present petition is disposed of on compromise.

Ms. Muzib, learned counsel for the petitioner, also submitted in this regard that the petitioner has already paid the awarded compensation amount of Rs. 1,10,000/- (Rupees one lakhs ten thousand) only and in view of that and also considering the settlement between the parties, the petitioner does not want to proceed with the case further and accordingly prayed for disposal of the present criminal revision petition on compromise.

After hearing the submissions made by the learned counsels for both sides and also considering the additional affidavit jointly filed by both the parties where the money receipts are also annexed, it is seen that the awarded compensation amount of Rs. 1,10,000/- (Rupees one lakhs ten thousand) only has already been paid and the respondent is also satisfied with the same.

In view of above, I find that the sentence imposed on the present petitioner to undergo S.I. for 6 (six) months is hereby set aside and quashed as

the matter has already been amicably settled between the parties and the respondent is also satisfied after receipt of the awarded compensation amount of Rs. 1,10,000/- (Rupees one lakhs ten thousand) only.

In terms of above, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant