HIGH COURT OF TRIPURA
AGARTALA

Crl. Petn. No.5 of 2026

Sri Dipankar Majumder
S/O Late Sunil Chandra Mazumder,
Resident of Chandrapur, A.A. Road,
Opposite Rajarshi Motors, Agartala-799007, Tripura West.

---- Petitioner(s)

Versus

1. **The State of Tripura**
   Represented by the Secretary, Home Department,
   Government of Tripura.
2. **Sri Kajal Saha**
   S/O Late Man Manindra Ch. Saha
   Resident of Usha Bazar(Chinaihani)
   P.O & P.S-Airport, Pin-799009, District-West Tripura.

----Respondent(s)

For Petitioner(s)	:	Mr. Kushal Deb, Adv, Mr. Dipankar Das, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

15/01/2026

Heard Learned Counsel Mr. Kushal Deb appearing on behalf of the petitioner and also heard Learned Addl. P.P. Mr. Rajib Saha appearing on behalf of the State-respondent.

This petition under section 482 of Cr.P.C. is filed for quashing the order dated 29.01.2025 and subsequent order dated 11.12.2025 passed by Learned Addl. Chief Judicial Magistrate, West Tripura, Agartala in connection with case No.N.I./25/2015. By the said order dated 29.01.2025, non-bailable warrant of arrest was issued against the petitioner by the Learned Trial Court and by subsequent order dated 11.12.2025 Learned Trial Court issued proclamation under Section 82 of Cr.P.C. against the present petitioner.

At the time of hearing, Learned Counsel for the petitioner drawn the attention of the Court that before the Learned Trial Court although the petitioner appeared as an accused but on so many occasions, due to chronic illness of his father and the petitioner himself, he could not appear before the Court below and the matter was intimated to the Learned Trial Court by his engaged counsel but the Learned Trial Court did not consider his submission and passed the orders which compelled the petitioner to approach this Court for quashing/setting aside the aforesaid orders. Learned counsel, Mr. Deb further submitted that the present petitioner is ready to deposit the amount of the cheque which was dishonored to the respondent-complainant, Sri Kajal Saha. So, Learned Counsel urged before the Court to take lenient view regarding his appearance and to allow him to deposit the dishonored cheque amount before the Learned Trial Court so that the same may be released in favour of the respondent-complainant.

On the other hand, Learned Addl. P.P. strongly opposed the submission made by the Learned Counsel for the petitioner and submitted that from the copies of orders, it transpires that the present petitioner deliberately remained absent before the Learned Trial Court and his conduct was not at all satisfactory, so there was no illegality or infirmity in the orders passed by the Learned Trial Court and urged for dismissal of the petition.

From the orders passed by the Learned Trial Court, it appears that on so many occasions, the present petitioner remained absent before the Learned Trial Court and no effective

step in this regard was taken by him, so, the Learned Trial Court rightly passed the order of warrant of arrest as well as the order of proclamation against the petitioner.

However, this is a case under NI act. Since the petitioner has agreed to deposit the dishonoured cheque amount before the Learned Trial Court, so, for the sake of justice, it appears to this Court that an opportunity be given to the petitioner to deposit the amount to the Learned Trial Court because the respondent-complainant due to dishonour of cheque, was compelled to file case against the present petitioner and since the petitioner is ready to pay the dishonoured cheque amount, so, this Court is of the considered view that opportunity should be given to the petitioner to deposit the amount before the Learned Trial Court.

In the result, the petition filed by the petitioner is hereby allowed. The petitioner is asked to surrender before the Learned Trial Court on or before 17.02.2026 and to deposit the dishonoured cheque amount of Rs.1,00,000/- either by way of cheque in the name of the respondent-complainant or in cash so as to enable the Learned Trial Court to release the cheque or the cash amount in favour of the respondent-complainant with litigation cost of Rs.5,000/- which shall be deposited in cash to the Learned Trial Court and also be released in favor of the respondent-complainant. In the event of deposit of cheque for an amount of Rs.1,00,000/- and the litigation cost of Rs.5,000/- as ordered by this Court, the Learned Trial Court shall recall the warrant of arrest and the order of proclamation and shall pass an

order for disposal of the case and also shall discharge the accused. Till next date, no coercive action be taken against the present petitioner.

With this observation, this present petition is disposed of.

Supply a copy of this order to the Learned Counsel, Mr. Kushal Deb appearing on behalf of the petitioner for information and compliance. A copy of this order be communicated to Learned Addl. Chief Judicial Magistrate, West Tripura, Agartala for information and compliance.

Pending application(s), if any, also stands disposed of.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

MOUMITA DATTA
Deepshikha
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