

IN THE HIGH COURT OF TRIPURA
AGARTALA

CRL. REV. P. NO.89 OF 2010

Sri Alok Majumder,
son of late Manik Lal Majumder,
resident of Madhya Badharghat (Adarsha Palli),
Milan Chakra, P.O. A.D. Nagar,
P.S. West Agartala, District West Tripura.
..... Petitioner

- Vs -

Sri Mihir Singha Roy,
son of Sri Sudhir Singha Roy,
resident of Madhya Badharghat, Milan Chakra,
P.O. A.D. Nagar, P.S. West Agartala, District West Tripura.
.....Respondent

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner : Mr. D.C. Roy, Advocate
For the respondent : Mr. R.G. Chakraborty, Advocate
Date of hearing & order : 14.01.2015

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

Heard Mr. D.C. Roy, learned counsel appearing
for the petitioner as well as Mr. R.G. Chakraborty, learned
counsel appearing for the respondent.

2. The petitioner and the sole respondent have filed
a joint petition for compounding the offence punishable

under Section 138 of the Negotiable Instruments Act, 1881, for short the '*N.I. Act*'.

3. On complaint received from the respondent, a proceeding was drawn up against the petitioner as the cheque which he had issued in favour of the respondent, had bounced for insufficiency of the fund. On due notice for payment of the amount mentioned in the cheque, when the petitioner did not make the payment, the respondent instituted the complaint within the stipulated time and, on taking cognizance, it reached to the trial, where after recording the evidence, the trial court, being Judicial Magistrate First Class, Agartala, West Tripura, Court No.5, by the judgment dated 07.06.2010 in C.R. No.2506/2006, convicted the sole respondent and sentenced to suffer simple imprisonment for one year with a fine of ₹10,000, in default of payment, to suffer further simple imprisonment for two months.

4. The petitioner carried out an appeal in the court of the Sessions Judge. The said appeal, being Criminal Appeal No.22(3)/2010 was transferred to the court of the Addl. Sessions Judge, Court No3, West Tripura, Agartala. The Addl. Sessions Judge, by the judgment dated 28.09.2010, had dismissed the appeal by affirming the judgment and order of the trial court. Being aggrieved, the petitioner has filed this petition, questioning the legality of

the said judgment and order dated 28.09.2010, delivered in Criminal Appeal No.22(3)/2010.

5. During pendency, both the petitioner and the respondent, at the intervention of the well-wishers, have come to a settlement and, the respondent, having received payment of ₹50,000 (rupees fifty thousand), decided to compound the offence committed by the petitioner. Accordingly, they have filed the joint petition styled as joint compromise petition, on 12.01.2015.

6. By this petition, both the petitioner and the respondent, have submitted that the respondent has no grievance after receipt of the sum of ₹50,000, the cheque amount.

7. Appearing for the petitioner, Mr. R.G. Chakraborty, learned counsel has submitted that the respondent shall not also claim any further sum from the petitioner.

8. Situated thus, this court is of the considered opinion that since the respondent has come forward to compound the offence punishable under Section 138 of the N.I. Act, the offence should be allowed to be compounded, having regard to the nature of offence. Accordingly, it is compounded.

9. As consequence thereof, the impugned judgments and orders dated 07.06.2010 and 28.09.2010, delivered in C.R.2506/2006 and Criminal Appeal No.22(3)/2010 respectively are interfered with to that limited extent. The petitioner is accordingly relieved of the sentence. The sureties are discharged from their respective obligations.

10. With this observation and directions, this petition stands disposed of.

JUDGE

ROY