

Party Name : BIPLAB BAIDYA Vs BANTI ROY CHOUDHURY & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. Samarjit Bhattacharji, learned counsel appearing for the revisional petitioner as well as Mr. S. Das, learned counsel for the respondent No.1.

A petition has been filed by the petitioner and the respondent No.1 being in C.M Application No.121 of 2015 stating that the revisional petitioner has paid the amount mentioned in the cheque which was bounced due to insufficiency of fund and as consequence of what, a proceeding under Section 138 of the Negotiable Instrument Act was drawn leading to the conviction of the revisional petitioner which was even upheld by the impugned judgement dated 04.03.2015 delivered in Criminal Appeal No.11 of 2014 by the appellate court.

Having regard to this petition and also the adjustment made by the revisional petitioner and the respondent No.1, this court is of the view that this criminal revision petition can be disposed of in exercise of the inherent power under Section 482 of the Cr.P.C. Accordingly, the conviction and sentence passed by the judgment and order dated 04.01.2014 by the Addl. Chief Judicial Magistrate, West Tripura, Agartala in N.I.04 of 2011 and affirmed by the judgement and order dated 04.03.2015 in Criminal Appeal No.11 of 2014 are set aside and quashed on compounding the offence. The sureties are discharged from their respective obligation.

The amount that has been deposited by the revisional petitioner in this Registry be released to him on his proper identification.