

THE HIGH COURT OF TRIPURA
AGARTALA

Crl. Rev. P. No.83 of 2011

Sri Arabinda Saha,
son of late Ashutosh Saha,
resident of Colonel Chowmuhani,
P.O. Agartala, P.S. West Agartala,
District – West Tripura

..... **Petitioner**

- Vs -

1. Ashoke Leyland Finance,
(A Division of Indusind Bank Ltd.),
Durgabari Road, P.O. Agartala,
P.S. West Agartala, District-West Tripura,
Formerly known as Ashoke Leyland Finance Ltd.,
(Represented by Sri Badal Chandra Saha,
son of late Nripendra Chandra Saha,
Branch Supervisor)

2. The State of Tripura

.....**Respondent**

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

For the petitioner	:	Mr. H. K. Bhowmik, Advocate
For the respondent No.1	:	Mr. D. C. Saha, Advocate
For the respondent No.2	:	Mr. R. C. Debnath, Addl. PP
Date of hearing and delivery of judgment & order	:	25.06.2015
Whether fit for reporting	:	NO

JUDGMENT & ORDER (ORAL)

Heard Mr. H. K. Bhowmik, learned counsel appearing for the petitioner as well as Mr. D. C. Saha, learned counsel appearing for the respondent No.1 and Mr. R. C. Debnath, learned Addl. PP appearing for the State, the respondent No.2.

02. The respondent No.1 filed a complaint under Section 138 of the Negotiable Instruments Act, hereinafter referred to as the NI Act,

that a cheque issued by the petitioner for an amount of Rs.35,000/- was bounced for insufficiency of fund in his account and despite notice he did not pay within the stipulated time as prescribed by the statute. As consequence thereof, the trial commenced on the basis of the said complaint and the petitioner was found guilty by the judgment and order dated 31.03.2010 delivered in NI 93 of 2007 by the Judicial Magistrate, 1st Class, Agartala, West Tripura, Court No.5. The petitioner was sentenced to suffer SI for one year and to pay a fine of Rs.10,000/-, in default to suffer further SI for two months.

03. The petitioner has challenged that judgment and order dated 31.03.2010 by filing an appeal under Section 374(3) of the CrPC in the Court of the Sessions Judge, West Tripura, Agartala being Criminal Appeal No.14(2) of 2010. In the course of time, the said appeal was transferred to the Court of the Addl. Sessions Judge, Court No.2, West Tripura, Agartala who after hearing the parties dismissed the appeal by the judgment dated 25.08.2011 holding that there is no infirmity in the decision arrived at by the trial court. The said judgment dated 25.08.2011 is impugned in this petition.

04. During pendency of this petition, the parties arrived at a settlement and they have filed a joint petition duly signed and affirmed before this court being Crl. M. Appl. No.108 of 2015 where it has been categorically stated that by way of that settlement, the entire liability has been paid off and from the receipt issued by the Indusind Bank dated 25.06.2013 it appears that they are satisfied having received the said amount of Rs.1,40,000/- as the final payment of their claim.

05. Since the complainant and the accused, the petitioner herein has settled the matter, this court in exercise of its power under Section 482 of the CrPC read with Section 147 of the NI Act is inclined to allow the prayer for compounding the offence as placed by the complainant.

06. Accordingly, the offence of the petitioner stands compounded. In view of that the impugned judgment and order is set aside and the petitioner is discharged from further liability.

07. As consequence of this order, the sureties of the petitioner are discharged from their respective obligation.

With this observation and direction, this petition stands disposed of.

Send down the LCRs.

JUDGE

MB