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C.R.R. 409 of 2012

In re: Arun Ghosh

Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

**Ms. Manisha Sharma
....For the State**

The revisional application was preferred against the judgment and order dated 29th November, 2011 passed by the learned Additional District and Sessions Judge, Fast Track Court – II, Bichar Bhawan, Calcutta in connection with Criminal Revision No. 272 of 2010. By the said judgement the learned Appellate Court was pleased to confirm the judgment and order of conviction and sentence dated 31st July, 2010 passed by the learned Metropolitan Magistrate, 9th Court, Calcutta in connection with Case No. C/626/2005. The sentence which was imposed by the learned Magistrate was a fine of Rs.8,00,000 /- to be paid to the complainant, in default, to suffer simple imprisonment for six months.

Records of the present revisional application reflect that by an order dated 14th September, 2012 a co-ordinate Bench of this Court directed the learned Metropolitan Magistrate, 9th Court at Calcutta to verify the factum of compromise and submit a report by 19th November, 2012. Subsequent to such order, a report was submitted by the

learned Metropolitan Magistrate, 9th Court, Calcutta which categorically states regarding the mode and manner in which the amount would be paid. At the bottom of such report, it is observed by the learned Magistrate that from the evidence of the complainant and the documents furnished by him, it becomes clear that the complainant is willing to compound the offence against the convict.

Be that as it may, in view of the report so submitted by the learned Metropolitan Magistrate, 9th Court, Calcutta the judgement and order dated 29th November, 2011 passed by the learned Additional District and Sessions Judge, 1st Court in connection with Criminal Revision No. 272 of 2010 as also the judgment and order of conviction and sentence dated 31st July, 2010 passed by the learned Metropolitan Magistrate, 9th Court in connection with Case No. C/626/2005 is hereby quashed. The complainant/opposite party No. 1 is at liberty to withdraw any amount which has been deposited in connection with complaint case pending before the learned Magistrate, 9th Court on proper identification being produced before the learned Magistrate.

In view of the aforesaid, C.R.R. 409 of 2012 is partly allowed.

Pending application, if any is consequently disposed of.

Interim order, if any is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)