

10. 12.2021
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C.R.R.315 of 2010

In the matter of Arun Kumar Deyi....petitioner.

Mr.Pravas Bhattacharyya
Mr. Sandip Chakraborty
...for the State.

None appears on behalf of the contesting petitioner to this revisional application.

Mr. Pravas Bhattacharyya, along with Mr. Sandip Chakraborty, learned Advocates who usually appear on behalf of the State are requested to appear in this revisional application.

Learned Public Prosecutor is requested to regularize the appointment of Mr. Pravas Bhattacharyya and Mr. Sandip Chakraborty, learned advocates in due course.

Learned Advocate for the State appears and submits that parties are not interested in this case and orders of this court passed on 5.2.2010 and 30.3.2010 directing the petitioner to deposit Rs. 20,000/- but that has not yet been complied with.

I find nothing on record regarding compliance of order of this court, the revisional application was preferred against judgment dated 7.12.2009 passed by the Additional Chief Judicial Magistrate, Bolpur, Birbhum in Criminal Appeal No. 13 of 2008 thereby affirming the judgment and order dated 19.11.2008 passed by the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum in Complaint Case No. 142 of 2005.

From the record, it appears that the petitioner did not comply the order of this court by depositing Rs. 20,000/- before the Jurisdictional Court.

The facts of the case is that the complainant/bank under the name and Style Muyurakshi Gramin Bank from which one

customer namely, Arun Kumar De being an account holder of the bank to consumer durable loan Rs. 37,000/- on 6. 10.2001 to purchase motor cycle after execution of the necessary documents in favour of the bank. On 24.4.2005 accused issued a cheque for Rs. 23,750/- in favour of the bank drawn on the same branch. The cheque was presented for encashment from 4.5.2005 and same was dishonored with the remarks “insufficiency of fund”. Thereafter on 7.5.3005 complainant/bank sent a remand notice as well as under certificate of posting, the demand notice was returned with postal remarks ‘refused’. The petitioner did not make any repayment of the complainant/bank.

This case was filed by the learned Magistrate discussed the entire evidence on record and concluded by passing an order of conviction against petitioner/accused.

On perusal of the judgment, I do not find any illegality or irregularity to exercise the power under Section 401 read with Section 482 of Cr.P.C.

After careful of the judgment, I do not find the learned Magistrate recorded the judgment based on no evidence or ignored any material evidence or exercised power arbitrarily.

The revisional court can interfere with the findings of the fact of the learned Magistrate only when the same is perverse and not merely when another view is also possible.

Considering all facts and circumstances of this case, this revisional application is dismissed.

(Bibhas Ranjan De, J.)