

CRR 541 of 2021
(Through Video Conference)

In Re: - An application under Section 482 read with Section 401 of
the Code of Criminal Procedure, 1973.
And

In the matter of: Sanjib Kundu
.... Petitioner

Mr. M. L. Podder,
Mr. Sanjoy Ghosh,
Mr. D. Moitra
...For the Petitioner

Mr. Rajib Ray,
Mr. Sudip Kr. Dutta
...For the Opposite Party No. 2

The petitioner was convicted in connection with the proceedings under Section 138 of the Negotiable Instrument Act, 1881 being Complaint Case No. 217 of 2015 corresponding with T.R. No. 1247 of 2016 by the judgment and order dated August 16, 2019. The learned Metropolitan Magistrate, 14th Court, Calcutta, sentenced the petitioner to pay a fine of Rs. 9 lakh to the complainant company within 90 days from the date of judgment in three installments.

It was further directed that in default, the petitioner shall undergo simple imprisonment for six months. The petitioner preferred an appeal before the learned Chief Judge, City Sessions Court, Calcutta being Criminal Appeal No. 243 of 2019. At the time of admission, the learned Sessions Judge admitted the appeal subject to the conditions that the petitioner shall deposit 20% of the

compensation amount before the learned Magistrate as a security deposit.

Thereafter, the petition was taken up for further hearing on January 22, 2021. The learned Chief Judge, City Sessions Court, Calcutta dismissed the appeal since in spite of repeated opportunity being granted, the petitioner did not deposit 20% of the compensation amount, as directed by the learned Sessions Judge.

In this revisional application, the petitioner sought to challenge the said order dated January 22, 2021.

It has been submitted by the learned advocate for the petitioner, that the petitioner was indisposed, and due to the pandemic situation his business was running in a downfall. He could not deposit the 20% of the compensation amount, as directed by the learned Sessions Court.

Mr. Rajib Ray, learned advocate, appearing for opposite party no. 2 submits that the petitioner intentionally did not deposit the compensation amount and was dragging the proceeding only to harass his client.

In course of the hearing, the revisional application, it has been submitted by the learned advocate for the petitioner, that the petitioner is willing to deposit the 20% of compensation amount within a period of three weeks from date.

In view of the said submissions, the revisional application is disposed of by giving an opportunity to the petitioner to deposit the 20% of the compensation amount, as directed by the learned Chief Judge, City Sessions Court, Calcutta, within two weeks from date. The petitioner shall pay further a cost of Rs. 5,000/- to the opposite party no. 2 within the said period. If the petitioner complies with this

order, the order of the learned Sessions Judge dated January 22, 2021 shall stand recalled and the appeal will be admitted.

If the appeal is admitted pursuant to deposit and payment of cost in terms of the order, the learned appeal court will make an endeavour to dispose of the appeal as early as possible preferably within a period of one year from the date of this order.

(Kausik Chanda, J.)