

S/L-11
23-12-2021
Ct-39
Kole

CRR 1053 of 2012

**Sushanta Paul
-Vs.-
The State of West Bengal & Anr.**

Mr. Rabi Prasad Mukherjee,
Mr. S. Pyne,

.... For the petitioner.

Mr. P. K. Ray,
Mr. S. Bandyopadhyay,

... for the opposite party no. 2.

It appears that the petitioner was convicted by the learned Metropolitan Magistrate, 9th Court at Calcutta for commission of an offence under Section 138 of the Negotiable Instruments Act, 1881. The learned Magistrate sentenced the petitioner to suffer simple imprisonment by way of detention inside the Court room till the rising of the Court and also directed to pay Rs. 2,40,000/- as compensation to opposite party no. 2.

The said order of the learned Magistrate was challenged before the Court of learned Additional Sessions Judge, Fast Track, 3rd Court, Bichar Bhavan, Calcutta, and by a judgment and order dated December 23, 2011, the learned Additional Sessions Judge dismissed the revisional application.

The order of the revisional Court dated December 23, 2011, has been challenged by way of this revisional application.

Mr. Rabi Prasad Mukherjee, learned advocate, assisted by Subhasis Pyne, learned advocate for the petitioner submits that the petitioner has undergone the sentence and he has also

deposited the compensation amount before the learned Magistrate in the Court below.

Mr. Piyush Kanti Roy, learned advocate for the opposite party no. 2 also admits the fact that the compensation amount of Rs. 2,40,000/- was deposited on September 13, 2021, before the Court of the learned Metropolitan Magistrate, 9th Court, Calcutta.

In that view of the aforesaid, nothing remains to be decided in this revisional application. This application being No. CRR 1053 of 2012 is accordingly disposed of.

It has been submitted by the learned advocate appearing for the opposite party no. 2 that the opposite party no. 2 has made an application before the learned Magistrate for withdrawal of the compensation amount. It is expected that the learned Magistrate shall dispose of the said application within a period of 15 days from date.

Urgent certified photostat copies of this order, if applied for, be supplied to the parties upon compliance with the necessary formalities.

(Kausik Chanda, J.)