

D/L48.
September
10, 2021
Bpg

C.R.R. No. 1645 of 2012
(Via Video Conference)

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

Baidyanath Banerjee
Versus
Sri Atri Kumar Dey

None appears for the petitioner or for the opposite party.

The subject-matter of the case relates to an order of conviction and sentence in a case under Section 138 of the Negotiable Instruments Act.

Having regard to the fact that the initial judgment was passed by the learned Magistrate in the year 2010 and by the learned appellate court in the year 2012 and more than nine years have passed since then, I am of the view that further pendency is unwarranted in the present circumstances. However, as the subject-matter involves question of conviction and sentence, the matter is not addressed on merits by this Court.

Accordingly, the revisional application being CRR 1645 of 2012 is dismissed for default.

The learned Judicial Magistrate, 3rd Court, Bankura is directed to execute the sentence which was passed by its judgment and order dated 10th March, 2010. In the event, any deposit which has been made, the same may be released to the complainant in case proper application is advanced.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Department is directed to communicate this order to the learned jurisdictional court.

Department is also directed to send back the lower court records forthwith to the jurisdictional court.

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

(Tirthankar Ghosh, J.)