

28.01.2021.

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**C.R.R. 2485 of 2018
with
IA No. CRAN 1 of 2020 (Old CRAN 5 of 2020)**

Sukdev Das
Vs.
The State of West Bengal & Anr.

(Via Video Conference)

Mr. Subhrojyoti Ghosh
... For the petitioner.

Mr. Swapan Banerjee
Mr. Suman De
... For the State.

Mr. Amitabha Ghosh
... For the defacto-complainant.

The application, being CRAN 5 of 2020, revealing a mutual settlement of the dispute between the parties during the pendency of the revisional application is taken up for hearing. The application is supported by affidavit, sworn by the petitioner and the defacto-complainant, victim respectively.

Previously, the trial court convicted the petitioner and thereafter the same findings went affirmed in appellate court. The revisional application, now pending before this Court is subsequent to the appellate decision already rendered in this case affirming the order of conviction u/s 406/420 I.P.C. Since compromise can be given effect at any point of time, including the appeal and the revisional application, if there be any, the application, being CRAN 5 of 2020, filed by the parties to this case needs to be disposed of in accordance with the provisions of law.

Mr. Banerjee, learned advocate representing the State does not raise any objection so as to stand in the way.

Having considered the mutual settlement already effected between the parties leading to the liquidation of money, said to have been cheated, the offence complained of stands compounded. The petitioner deserves to be acquitted under Section 320 of the Criminal Procedure Code.

Since the revisional application filed, by the petitioner is against the appellate judgment affirming the order of conviction, the same does not require to be addressed on merits, by reason of the compromise having effected between the parties. The order of conviction, as already affirmed by the appellate court is, thus, set aside.

The revisional application and the connected application stand disposed of.

Urgent photostat copy of this order, if applied for, may be supplied to the parties upon compliance of requisite formalities.

(Subhasis Dasgupta, J.)