

D/L.3
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2021

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C.R.R. No. 2851 of 2011
(Via Video Conference)

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

Sri Nemai Mondal
Versus
The State of West Bengal & Anr.

Mr. Abhra Mukherjee,
Mr. Siddique Rahaman,
Mr. Sauradeep Dutta.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Ms. Manisha Sharma.
...for the State.

In C.R. Case No.1198 of 2001, the learned Chief Judicial Magistrate, Purba Medinipur was pleased to pass an order of conviction and sentence under Section 138 of the Negotiable Instruments Act and directed the present petitioner to suffer simple imprisonment for one year and to pay compensation to the tune of Rs.2,00,000/- in favour of the complainant. Subsequently, Misc. Execution Case No.91 of 2011 was preferred by the complainant which was pending before the learned Chief Judicial Magistrate, Purba Medinipur.

Mr. Abhra Mukherjee, learned advocate appearing for the petitioner has challenged the authority of the person who filed the execution case before the learned CJM, Purba Medinipur.

Be that as it may, during the pendency of the revisional application, a sum of Rs.1,00,000/- was deposited before the learned CJM, Purba Medinipur and subsequently, another sum of Rs.1,00,000/- was deposited.

As the subject matter of the case was under Section 138 of the Negotiable Instruments Act and a sum of Rs.2,00,000/-, which is the compensation amount, has been paid and the report submitted by the Block Development Officer, Debra, Paschim Medinipur, reflects that the amount of Rs.1,00,000/- has already been withdrawn and another amount of Rs.1,00,000/- was handed over by way of draft and having regard to the changed circumstances, I am of the view that the Misc. Case No.91 of 2011 has become infructuous. Accordingly, all further proceedings relating to Misc. Execution Case No.91 of 2011 arising out of C.R. Case No.1198 of 2001 is hereby quashed.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor and Mr. Arijit Ganguly, learned advocate appearing for the State has submitted a report of the Block Development Officer, Debra, Paschim Medinipur.

Let the report be kept with the record.

As in this case, the concerned gram panchayat was the complainant, the learned Public Prosecutor was directed to appear in this matter.

With the aforesaid directions, CRR 2851 of 2011 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)