

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 3472 of 2019

Susenjit Mallik & Anr.

-vs-

M/s. Jai Hind Jewellers

For the Petitioners : Mr. Soumen Das

For the Opposite party : Mr. Anirban Dutta

Heard on : 17.03.2021

Judgment on : 17.03.2021

Jay Sengupta, J.:

This is an application challenging an order dated 30.10.2019 passed by the learned Sessions Judge, 2nd Fast Track Court, Calcutta in Criminal Appeal No.82 of 2019 thereby vacating the stay granted by the learned Court earlier for non-deposit of 20% of the compensation amount

directed to be deposited by an order dated 05.08.2019.

Learned Counsel appearing on behalf of the petitioners submits as follows. There are good grounds in the appeal preferred by the petitioners. Among other things, the representation of the complainant/partnership firm was not properly done because necessary documents in this regard were not proved during trial. The petitioners are not in a position to pay such sums as directed to be paid by the learned appellate Court.

Learned Counsel appearing on behalf of the complainant/opposite party submits as follows. The learned Trial Court convicted the petitioners and directed the company to pay a compensation of Rs.5,00,000/- and the two directors to pay compensation of Rs.3,00,000/- each and in default, they were to serve imprisonment for certain term. Although, the order was passed on 05.08.2019, the petitioners did not pay such amount and instead prayed for extension of time for about six months to deposit the said sum and the prayer was rightly rejected by the learned Trial Court by an order dated 30.10.2019.

At this Stage, the learned Counsel appearing on behalf of the petitioners submits that the petitioners would be in a position to deposit the said sum amounting to 20% of the compensation amount before the learned appellate Court within two months from this date.

I have heard the submissions of the learned Counsels appearing on behalf of the parties and have perused the revision petition.

Although, I do not find an illegality in the order dated 30.10.2019 passed by the learned appellate Court, in view of the submissions made by the learned Counsel for the accused/petitioners that they would be in a position to deposit the said 20% of the compensation amount before the learned appellate Court within two months from this date, I modify the order dated 30.10.2019 and direct that the petitioners shall be at liberty to deposit 20% of the compensation amount before the learned appellate Court within two months from this date. Subject to this payment within the stipulated time, the learned appellate Court will consider the question of stay of the learned Trial Court's order, pass a fresh order on this and thereafter, hear out the appeal as expeditiously as possible in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this judgment may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)