

**C.R.R. 3549 of 2019
IA NO: CRAN 3 of 2020
(Old CRAN 1043 of 2020)**

In the matter of: Debashis Das

....petitioner.

Mrs. Bratati Dutta

...for the petitioner.

Ms. Parna Roy Chowdhury

...for the private opposite party.

This is an application challenging the judgment and order dated 03.10. 2018 passed by the learned Additional Sessions Judge, Durgapur in Criminal Appeal No. 22 of 2016, thereby affirming the judgment and order of conviction and sentence passed by the learned Judicial Magistrate, 4th Court, Durgapur on 30.11.2016 in CR Case No. 359 of 2015, sentencing the petitioner to suffer simple imprisonment for two years and to pay a fine of Rs. 8, 40,000/-.

Learned counsel appearing on behalf of the petitioners submits as follows. For the dishonor of two cheques amounting to rupees four lacs and odd, the learned trial court convicted the petitioner to suffer an imprisonment and to pay a compensation as referred to above. The appeal preferred by the accused petitioner was also dismissed. The entire sum of compensation, i.e. Rs. 8,33000/-, that was directed to be paid, was paid by the accused to the complainant and the complainant decided to settle and compromise the matter with the accused. In view of the same, the impugned conviction and

sentence may be set aside.

Learned advocate appearing on behalf of the complainant/opposite party submits as follows. In view of the payment of the aforesaid sum by the accused to the complainant/ opposite party, the complainant/opposite party has decided to settle the issue. A joint compromise application has filed in this regard. In view of the same, this Court may be pleased to set aside the conviction and sentence passed by the learned trial court.

I have heard the learned counsels appearing for the parties and have perused the revisional application and the application of joint compromise and settlement.

It appears that the compensation awarded by the learned trial court and affirmed by the learned appellate court has already been paid by the accused/petitioner to the complainant/opposite party and the private parties settled the disputes between them.

In view of the above, I set aside and quash the impugned judgement and order of conviction and sentence passed on the petitioner on the ground of compromise and settlement arrived at between the private parties.

With these observations, the revisional application and the connected application being CRAN 1043 of 2020 are disposed of.

Urgent photostat certified copy of the order, if applied

for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)