

16.12.2021
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C.R.R.1874 of 2020
(CRAN/1/2021, CRAN/3/2021, CRAN/4/2021)

In the matter of Namita Sarkar.....petitioner.

Mr. Prabir Majumdar
Ms. Karabi Roy
...for the petitioner.

Mr. Binay Kumar Panda
Mr. Pravas Bhattacharyya
...for the State.

Mr. Binoy Kumar Panda along with Mr. Pravas Bhattacharyya, learned Advocates who usually appear on behalf of the State are requested to appear in this revisional application.

Learned Legal Remembrancer is requested to regularize the appointment of Mr. Binoy Kumar Panda and Mr. Pravas Bhattacharyya learned advocates in due course.

Heard both parties.

It is submitted on behalf of both sides. The matter has been settled between the parties. Payment has been made.

The joint petition has been filed.

Accordingly, with a prayer for setting aside the judgement of conviction passed by the learned Additional Chief Judicial Magistrate, Krishnanagar, Nadia in connection with Complaint Case No. 433 of 2017 affirmed by the learned Sessions Judge, Nadia in criminal appeal No. 18 of 2019.

It is further submitted on behalf of the opposite party, the sum 50% of the principal amount was deposited with the judicial cash in the court of A.C.J.M., Krishnanagar, Nadia and prays for an order for withdrawal of the amount. After careful perusal of the record that the matter has already been settled between the parties.

Considering the ratio of various decisions by the Hon'ble High Court as well as the observation of the Hon'ble Apex Court in the case of Dharmadas Prabhu Vs Sayid Baba Lal –H(2010)5 SCC 663 and considering the object of Section 138 of the N.I. Act which is mainly to inculcate failed of efficacy of banking operation and credibility of transacting business through cheque and also taking into account, the provisions of Section 147 that every offence punishable under the Act shall be compoundable, I am of the opinion that if one

is allowed to compound, complaint case under Section 147 of the N.I. Act should also be set aside.

In the aforesaid matter, the prayer of compounding offence stands allowed.

Prayer for withdrawal made by the opposite party (Ujjal Chatterjee) of amount of Rs. 2,55,000/- (Two lakh fifty five thousand only) deposited judicial cash of ACJM, Krishnanagar, Nadia, stands allowed. Accordingly, the revisional application along with (CRAN/1/2021, CRAN/3/2021, CRAN/4/2021) stand disposed of .

Accordingly, the judgement passed by the learned ACJM, Krishnanagar, Nadia in connection with Complaint Case No. 433 of 2017 affirmed by the learned Sessions Judge, Nadia in Criminal Appeal No. 18 of 2019 stands set aside.

The learned Registrar (Judicial Services) is requested to communicate this order to the learned ACJM, Krishnanagar, Nadia forthwith.

(Bibhas Ranjan De, J.)