

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**IA No.:CRAN/2/2022, CRAN/3/2022
in
CRR 3 of 2022**

**Sri Swarup Chatterjee @ Swarup Kumar Chatterjee
Vs.
The State of West Bengal & Anr.**

For the petitioner : Mr. Sujoy Sarkar, Adv.

For the State : Ms. Manisha Sharma, Adv.

Judgement on : 20.09.2022.

Bibek Chaudhuri, J.

The accused/petitioner was convicted for committing an offence under Section 138 of the Negotiable Instrument Act vide order dated 30th December, 2014 passed by the Learned Judicial Magistrate, 3rd Court, Suri, Birbhum in CR Case No. 465/2009. The said order was challenged in appeal before the Learned Sessions Judge. The appeal was heard by the Learned Additional Sessions Judge, 2nd Court, Suri, Birbhum who upon hearing was pleased to confirm the judgment and order of conviction in Criminal Appeal No. 4/2015. The instant revision is assailing the orders of both the Courts below.

It is submitted on behalf of the petitioner that during the pendency of the instant revision the dispute between the parties has amicably been settled. The petitioner has already paid a sum of Rs.1,00,000/- being the substantial part of the cheque amount and today he is going to pay a draft of balance amount of Rs.25,000/-. The opposite party has accepted the said amount. It is stated by the Learned Advocate for the opposite party that in view of such settlement and receipt of the money for which the petitioner was indebted, he is willing to compound the offence. In view of such circumstances and considering the statutory provision that an offence under Section 138 of the Negotiable Instrument Act is compoundable in nature, the joint application for settlement is accepted. The instant revision is disposed of on the basis of such settlement.

In view of such settlement the order of sentence passed against the petitioner by the Learned Judicial Magistrate, 3rd Court at Suri in CR Case No. 465/2009 and affirmed by the Learned Additional Sessions Judge, 2nd Court, Suri in Criminal Appeal No. 4/2015 is set aside.

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)