

07.01.2022
S/L No.7
KS

(Via Video Conference)
C.R.R. 8 of 2011
Vijoy Agarwal
-Vs.-
M/s. M. L. Roy & Co.

Mr. Aritra Bhattacharya
.....For the Petitioner

It appears that the present criminal revisional application under 401 read with Section 482 of the Code of Criminal Procedure has been filed challenging an order dated July 27, 2010 passed by the learned Metropolitan Magistrate, 13th Court, Calcutta convicting the accused/petitioner under Section 138 of the Negotiable Instruments Act, 1881. The learned Magistrate released the petitioner after admonition in terms of Section 3 of the Probation of Offenders Act, 1958 and also directed to pay a sum of Rs.2,25,000/- as compensation to the opposite party.

Mr. Aritra Bhattacharya, learned advocate, submits that the accused/petitioner died on 20th June, 2019, and his wife has executed a Vakalatnama in connection with this case in his favour.

In compliance with the order passed on November 15, 2021 in this application, a report has been filed before this Court by the

Inspector-in-Charge of Purulia (Town) Police Station. The report, inter alia, suggests that the accused/petitioner had committed suicide.

In my view, there is no question of substitution of the legal heirs of the petitioner in this application as the criminal liability does not pass on to the legal heirs of the accused. The legal heirs, however, have a right to challenge the conviction only for the purpose to show that the accused was not guilty of the offence. Mr. Bhattacharya submits that the wife of the deceased petitioner is not interested to challenge the order of conviction for such purpose.

The opposite party may file a civil suit seeking appropriate relief against the legal heirs of the deceased petitioner.

With these above observations, C.R.R. 8 of 2011 is dismissed.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Kausik Chanda, J.)