

14.09.2022

Court No.35
Item No. 1

d.g.

CRR 38 of 2015

With

CRAN 3 of 2022

Naba Kumar Sikdar

Vs.

Subhasis Basu Sarbadhikari

Mr. Ayan Bhattacharjee,
Mr. Prattay Kumar Khan,
Mr. Somdev Ash.

... For the petitioner

Mr. G.N. Jajodia,
Ms. Nitu Singh.

... for the OP

In re:- CRAN 3 of 2022

Learned Advocate, appearing on behalf of the petitioner, moves petitioner's prayer made in the application being CRAN 3 of 2022. The petitioner has prayed for recalling of this Courts order dated 6th May, 2022 dismissing the present case being CRR 38 of 2015 for default and also prayed the same may be restored to its original file and number.

Let the present revisional case being CRR 38 of 2015 be restored in terms of petitioner's prayer as mentioned above to its original file and number.

In re:- CRR 38 of 2015

The case is taken up for hearing.

In this revision, the petitioner has challenged the judgment and order dated 29th November, 2014, delivered by the learned District and Sessions Judge, 1st Fast Track Court, City Sessions Court at Calcutta, in connection with Criminal Revision No. 20 of 2014, thereby affirming the judgment and order dated 23rd December, 2013 delivered by the learned Metropolitan Magistrate, 13th Court at Calcutta in Case No. C/873/2010 under Section 138 of the Negotiable Instruments Act, 1881.

The Magistrate by delivering his judgment and order sentenced the present petitioner to undergo simple imprisonment for one month and also sentenced to pay compensation of Rs.45,000/- only within a stipulated period of time.

Challenging the order of the Magistrate, the revision case was filed before the Sessions Judge. It was disposed of vide judgment dated 29th November, 2014, by dint of which the Lower Appellate Court dismissed the revision and affirmed the judgment of the Magistrate dated 23rd December, 2013.

The petitioner being aggrieved by the same has moved this Court by filing the present case under Section 482 of the Code of Criminal Procedure, 1973.

During the course of hearing of this matter and in compliance with the directions of the Court, the petitioner has deposited before the Lower Appellate Court, an amount of Rs.15,000/- as a part of compensation money. The deposit was made on 20th January, 2015 and the photo copy of the deposit slip is presented in Court today, which may be kept with the record.

Already a talk of settlement was going on between the parties, which was noted in this Court's order dated 25th August, 2022. It is informed that the same has been finalized and the petitioner is ready today with the bank draft of the rest of the compensation amount, that is, Rs.30,000/- to be handed over to the learned Advocate on behalf of the Opposite Party.

Since the parties have arrived at a settlement, no cogent reason is found for not-accepting the same and, as such, there remains nothing further in this case to be adjudicated. Let the learned Advocate for the petitioner hand over the draft of Rs.30,000/- to the learned Advocate for the Opposite Party, here in this Court at once against proper receipt.

Under such circumstances, the impugned judgment of the First Appellate Court dated 29th November, 2014 cannot be sustained any more. Accordingly, the same is quashed. The verdict of the First Appellate Court of conviction and sentence imposed on the present petitioner is set aside.

With the direction as above, this case being CRR 38 of 2015 be disposed of.

It is made clear that the sum of Rs.15,000/- as was deposited to the First Appellate Court on 20th January, 2015, shall be withdrawn immediately by the Opposite Party.

The revision and the application are disposed of.

(Rai Chattopadhyay, J.)