

18-07-2022  
Subha  
Item no.52  
Ct no.34

IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction

**CRR 303 of 2010**

**Subir Dutta**  
**-versus-**  
**Subrata Das & Anr.**

The order dated 20<sup>th</sup> December, 2008 reflects that the learned Metropolitan Magistrate, 9<sup>th</sup> Court, Calcutta in Case No. C/172 of 2006 was pleased to convict the accused under Section 138 of the N. I. Act and sentenced him to a fine of Rs.50,000/- in default to suffer S. I. for six months. By the same order, the learned court was pleased to direct that in case such a sum is deposited, Rs.40,000/- out of the said realized fine amount would be paid by way of compensation to the complainant.

The present petitioner being aggrieved appealed before the City Sessions Court, Calcutta in Criminal Appeal No. 15 of 2009 wherein the learned court was pleased to affirm the order of conviction and sentence passed by the learned trial court.

Record of this revisional application reflects that there was direction to deposit. No information has been furnished to this court subsequently whether such deposit has been made before the learned trial court. The cheque amount is of Rs.25,000/-. The fine so imposed by the learned Magistrate is Rs.50,000/- with a default sentence.

The complainant has been knocking the doors since the year 2006 i.e., almost 16 years. In the said circumstances, I direct that in

case the amount of Rs.50,000/- as imposed by the learned trial court till date has not been paid, the learned trial court would issue warrant of arrest against the present petitioner/accused for undergoing the default sentence.

The learned trial court would also exhaust the provisions of Section 421 of the Code of Criminal Procedure for recovery of the amount.

With the aforesaid observations, the present revisional application being CRR 303 of 2010 is disposed of.

Pending applications, if any, are consequently disposed of.

Department is directed to send back the lower court records within a week from date. On receipt of the record, the learned Metropolitan Magistrate would immediately proceed as directed above.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]