

22, 23
26.07.2022
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**C.R.R. 496 of 2019
with
C.R.R. 1495 of 2019**

**Ashok Kumar Das
Vs.
Sanjay Paul**

**In Re.: Applications under Section 482 of the
Code of Criminal Procedure, 1973.**

Mr. Debojyoti Das
...for the Opposite party

The matters are listed today for final hearing.

Learned Advocate for the opposite party is present. None appears for the petitioner.

Perused the applications and the previous orders passed in connection with these matters.

The petitioner filed these revisional applications, under Section 482 of the Code of Criminal Procedure challenging the order dated January 18, 2019 passed by learned Chief Judge, City Sessions Court, Calcutta in Criminal Motion No. 187 of 2017 dismissing revision wherein the petitioner had challenged the order dated May 18, 2017 passed by learned Metropolitan Magistrate, 15th Court, Calcutta in connection with C. Case No. 16154 of 2008 under Section 138 of the Negotiable Instrument Act.

Perused the impugned order wherein the Criminal Motion No. 187 of 2017 was dismissed on

contest and the order passed by learned Metropolitan Magistrate in C. Case No. 16154 of 2008 was affirmed.

The petitioner filed these revisional applications on the ground that learned Judge, City Sessions Court, Calcutta while affirming the judgment of the trial court did not consider the link or connection between the purported cheques and the alleged transactions. Learned revisional Court ought to have held that the two purported cheques cannot be assailed together in a single proceeding and that sentence passed by the trial court was in excess of its jurisdiction and contrary to the principles laid down in Section 30 of the Code of Criminal Procedure.

At the time of admission of the revisional application by this Court, C.R.R. 1495 of 2019 was admitted on condition that the petitioner should pay a sum of Rs.10,00,000/- within seven days and the judgment and order dated January 18, 2019 passed in Criminal Motion No. 187 of 2017 shall remain stayed for a period of six weeks from that date and the order of the learned Magistrate dated May 18, 2017 in C. Case No. 16154 of 2008 shall also remain stayed.

Learned advocate for the opposite party submits that the petitioner herein did not comply with any of the conditions and no payment was made. It is also pointed out that the petitioner approached the Hon'ble Supreme

Court and filed Special Leave to Appeal (Crl.) No. 8545 of 2019, which was dismissed.

After having vacated the interim order of stay by order dated July 19, 2022, the petitioner has not appeared before the Court. In view of the facts and circumstances of the case, I am not inclined to accommodate the petitioner any further.

I do not find any illegality, irregularity or impropriety in the impugned order passed by Chief Judge, City Sessions Court at Calcutta in Criminal Motion No. 187 of 2017 nor in the order passed by learned Metropolitan Magistrate, 15th Court, Calcutta in C. Case No. 16154 of 2008.

Accordingly, the petitioner's applications, bearing nos. CRR 496 of 2019 and CRR 1495 of 2019, are dismissed on merits.

Interim orders are vacated.

Let a copy of this order be communicated to the learned Metropolitan Magistrate, 15th Court, Calcutta with a direction that the sentence passed against the petitioner be executed through the concerned police station.

The parties shall act on the server copy of this order downloaded from the official website of this Court.

Urgent photostate certified copies of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Ananda Kumar Mukherjee, J.)