

21-11-2022
Subha
Item no.09
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction

CRR 944 of 2021
With
CRAN 1 of 2022

Amit Kumar Mitra
-versus-
Smt. Kamala Dey

Mr. Navanil De
Mr. Srinjan Ghosh
Mr. Subhajit Dey
...for the petitioner.

Mr. Shataroop Purkayastha
Mr. Sarbananda Sanyal
....for the opposite party .

Supplementary affidavit so filed be kept with the record.

Learned advocate appearing for the petitioner as well as the learned advocate for the opposite party is present and has filed supplementary affidavits to the joint compromise application which was earlier filed in connection with the present revisional application enclosing the receipts of Rs.40,000/- & Rs.90,000/- which have been signed by the complainant/opposite party.

The case is under Section 138 of the Negotiable Instruments Act wherein the present petitioner was convicted by the learned Judicial Magistrate, 2nd Court, Katwa, Burdwan and the said order of conviction and sentence was affirmed in Criminal Appeal No. 6 of 2018 by the learned Additional Sessions Judge, 2nd Court, Katwa, Burdwan.

Having regard to the affidavits which have been filed and the

amount which is to the satisfaction of the complainant, I am of the opinion that the order of conviction and sentence so passed by the learned Judicial Magistrate in C Case No being C-124 of 2008 (T. R. No. 484 of 2008) affirmed by the learned Additional Sessions Judge, 2nd Court, Katwa, Burdwan is hereby set aside.

There has already been a prayer in the joint compromise petition where in the complainant has agreed that she is not willing to pursue the conviction and sentence so passed by the learned trial court affirmed by the learned appellate court.

In view of the aforesaid, further proceedings of the Complaint Case No. 124 of 2008(T. R. No. 484 of 2008) is hereby quashed.

Accordingly, the revisional application being CRR 944 of 2021 is disposed of.

As such, the joint compromise application being CRAN 1 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

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]

