

D/L 3  
April 28,  
2022  
Bpg.

C.R.R. No.1282 of 2016  
With  
CRAN 1501 of 2016

In Re: An application under Section 482 of the Code of Criminal  
Procedure, 1973;

Sri Dudh Nath Sharma  
Versus  
Sri Kewal Singh

Mr. Sumanta Ganguly,  
Mr. S.A. Tarafder.  
...for the petitioner.

**In Re: CRAN 1501 of 2016**

As the subject matter of the revisional application relates to a judgment and order of conviction and sentence and the learned advocate appearing for the petitioner has volunteered for depositing the amount of fine which was passed by the learned Magistrate and affirmed by the appellate court, I am of the opinion that for the ends of justice, the application under Section 5 of the Limitation Act should be allowed. Delay, as prayed for, is condoned.

Accordingly, the application being CRAN 1501 of 2016 is allowed.

Learned advocate appearing for the petitioner submits that pursuant to the order dated 10<sup>th</sup> March, 2022, the petitioner has been taken into custody and he is still in custody.

The records of the revisional application reflects that the petitioner was convicted and thereafter sentence was imposed for commission of offence punishable under Section 138 of the

Negotiable Instruments Act and directed to suffer simple imprisonment for one month and pay compensation to the tune of Rs.2,50,000/-, in default to suffer simple imprisonment for one year.

CRAN 2 of 2022 is treated as on day's list and taken up for hearing.

In view of the application which has been submitted with an undertaking that the petitioner intends to deposit a sum of Rs.1,00,000/- by 5<sup>th</sup> May, 2022 and would deposit rest of the amount of Rs.1,50,000/- by way of instalments.

So far as rest of the instalments are concerned, on or before 7<sup>th</sup> June, 2022 the petitioner would deposit a sum of Rs.40,000/-, by 7<sup>th</sup> July, 2022 another sum of Rs.40,000/-, by 5<sup>th</sup> August, 2022 a sum of Rs.40,000/- and by 7<sup>th</sup> September, 2022, the last sum of Rs.30,000/-. In case there is any default in respect of any of the deposits being made within the time schedule so fixed by this Court, the learned trial court will take the petitioner into custody for recovery of whole/rest of the amount which are due.

On payment of a sum of Rs.1,00,000/- in connection with Complaint Case No.186C of 2009, the learned Judicial Magistrate, 6<sup>th</sup> Court, Howrah would release the petitioner on interim bail with the condition to meet with the Officer-in-Charge of Golabari Police Station once a week till the last instalments are complete.

The Officer-in-Charge of Golabari Police Station will send report regularly after the attendance of the petitioner is secured. In

case any of the conditions are not satisfied by the petitioner, the learned Magistrate would execute the sentence as earlier directed by order dated 10<sup>th</sup> March, 2022.

The amount so deposited by the petitioner would entitle the complainant to withdraw the same from the learned Judicial Magistrate, 6<sup>th</sup> Court, Howrah after taking out appropriate application.

Accordingly, CRR 1282 of 2016 along with CRAN 2 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The learned Magistrate is directed to act in terms of the directions passed above.

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

**(Tirthankar Ghosh, J.)**