

01.12.2022
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SB
Ct. No.236

CRR 2529 of 2008

In the matter of : Pramod Kumar Jain

On 31.10.2022 the department was directed to issue notice upon the opposite party no. 2. The office report indicates that A.S.I. Beniapukur P.S. Sri Naba Kumar Ghosh, went to serve notice upon the opposite party and found that the gentleman left the place after selling his house. The report is taken on record.

None is appearing on behalf of the petitioner.

Considering the age of this lis I propose to decide this criminal revision on merit based on materials available with the record.

Briefly stated Mr. Naresh Kumar Tirthani and the accused Pramod Kumar Jain issued a cheque bearing No. 142721 dated 15.11.2000 for Rs. 1,00,000/- drawn on Punjab National Bank, Mohan Lal Street Branch, Kolkata in favour of the complainant in discharge of his liability. The cheque was presented by the drawee and it was returned unpaid with an endorsement insufficient fund. Statutory notice was served upon the drawer of the cheque but he did not comply with the terms of the notice. The drawee then took out an application under Section 138 of the N.I. Act which was contested by the accused person and learned Trial Court after considering the evidence adduced by the parties recorded an order of conviction and sentenced the accused person to suffer simple imprisonment for two months and to pay compensation to

the tune of Rs.1,50,000/-. The order of conviction was challenged in Criminal Revision No. 89 of 2007 and the learned Additional District and Sessions Judge, 5th F.T.C., Calcutta was pleased to dismiss the revisional application. The accused person has challenged the judgement and order of learned Additional District and Sessions Judge, 5th F.T.C., Calcutta passed in Criminal Revision No. 89 of 2007 by preferring this application for revision.

I have perused the judgement passed by the learned Additional District and Sessions Judge, 5th F.T.C., Calcutta as well as the judgement passed by the learned Trial Court, I do not find any good reason to interfere with the concurrent finding of the learned Courts below.

The criminal revision merits no consideration and is dismissed without any order as to costs.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

The parties shall act upon the server copy duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)