

D/L 8
March 24,
2022
Bpg.

C.R.R. No.2716 of 2019

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Manoj Beria @ Manoj Kumar Beria
Versus
The State of West Bengal & Anr.

Mr. Karan Dudhwewala.
...for the petitioner.

Mr. Amarta Ghose.
...for the opposite party no.2.

An affidavit has been filed on behalf of the petitioner enclosing a demand draft of Rs.1,00,000/- drawn in favour of the opposite party no.2. Let the affidavit be kept with the record.

The application being CRAN 374 of 2020 reflects that a sum of Rs.10,00,000/- by way of draft was handed over to the complainant/opposite party no.2.

Mr. Amarta Ghose, learned advocate appearing for the private opposite party no.2. do not dispute the receipt of such Rs.11,00,000/- of rupees.

I find that the learned Metropolitan Magistrate, 20th Court, Calcutta was pleased to impose a sentence of simple imprisonment for three months and a compensation of Rs.11,00,000/- i.d. to suffer simple imprisonment for a further period of one month after holding the present petitioner guilty.

In view of the compensation amount of Rs.11,00,000/- being paid by the present petitioner to the opposite party no.2, I am

of the opinion that the period of simple imprisonment so imposed by the learned Metropolitan Magistrate for three months should be set aside. Accordingly, all further proceedings relating to execution of Complaint Case no.CS/0053690/2016 is hereby quashed. The sentence of imprisonment passed by the learned Metropolitan Magistrate, 20th Court, Calcuta in Complaint Case no.CS/0053690/2016 is set aside.

Accordingly, the revisional application being CRR No.2716 of 2019 is partly allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby made absolute.

Department is directed to send down the lower court records to the court below immediately.

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

(Tirthankar Ghosh, J.)