

22.09. 2022
item No.15
n.b.
ct. no. 551

CRR 3017 of 2018
With
IA No. CRAN 3 of 2019
(Old No. CRAN 1463 of 2019)
+
CRAN 11 of 2022

Nata Krishna Parua
Vs.
Krishna Pada Samanta & Anr.

Mr. Probal Kr. Mukherjee,
Mr. Somnath Roy Chowdhury,
Ms. Arpita Chowdhury,
.....for the Petitioner.

Mr. Arindam Jana,
.... For the opposite party no.1.

This is an application filed jointly by the petitioner as well as the private opposite party regarding their joint compromise application. The application being CRAN 11 of 2022 is taken up for hearing.

It appears that by virtue of a proceeding initiated under Section 138 of the N.I. Act, Learned Magistrate, 3rd Court, Tamluk convicted the appellant in C.R. No. 206 of 2007 and directed the appellant to pay the compensation to the complainant/respondent no.2 to the tune of Rs.10,00000/-. Against the said order an appeal has been preferred before the Session Judge, Purba Medinipur in Criminal Appeal No.4 of 2018. Learned Sessions Judge modified the order passed by the Learned Magistrate by converting the compensation

amount to Rs.9,50,000/-. Against the said order, the instant revisional application has been preferred. The appellant has deposited 50 per cent of the cheque amount i.e. Rs.3,50,000/- vide order dated December 14, 2018 passed by this Court in CRR 3017 of 2018. The applicant no.2 has withdrawn the said amount of Rs.3,50,000/- by virtue of the order of this Court dated December 16, 2019. Now, this application is taken up by both the parties with joint affidavit to the effect that they amicably settled the matter out side the Court and at this juncture the necessary order may be passed.

In support of their contention one Demand Draft was filed by the appellant to the tune of Rs.6,00,000/- in the name of Krishna Pada Samanta drawn on 19.9.2022 with the Axis Bank Ltd., bearing Demand Draft no.329035. The opposite party no.2 namely, Krishna Pada Samanta is present before this Court with his original Adhar Card. He received the Demand Draft. The receipt be kept in the record.

I have personally enquired opposite party no.2; who unequivocally stated that he has no further claim against the appellant.

In considering the facts the circumstances of this case and in considering the provisions of Section 147 of the N.I. Act; that the offence under Section 138 of N.I. Act is compoundable at any stage and considering the fact that the payment has already been made including the order of compensation passed by the Learned Court below.

Accordingly, it is a fit stage to compound the offence.

Thus the offence committed by petitioner is hereby compounded.

Hence it is ordered that, the order of conviction passed by the Learned 3rd Judge, Tamluk and affirmed by Ld. Session Judge, Tamluk, is hereby set aside.

The petitioner/accused is hereby acquitted from the case and against all the charges.

He is also released from the bail bonds.

Appellant/accused is on court bail. He be set at liberty at once. The surety standing in his favour are also released.

Accordingly, the instant criminal revision along with connected CRAN applications, if any, are all disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Subhendu Samanta, J.)