

19-05-2022  
Subha  
Item no. 07  
Ct no.34

IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction

**C.R.R 3090 of 2019**

In the matter of : Sri Sanjeev Kumar Singh

...Petitioner.

Mr. Malay Bhattacharya  
Ms. Shefa Mondal

.....for the petitioner.

Mr. Sayak Chakraborti  
Mr. Anish Kumar Mukherjee

...for the opposite party no.1.

Affidavit of service so filed by the petitioner be kept with the record.

Mr. Moloy Bhattacharya, learned advocate appearing on behalf of the petitioner files an affidavit pursuant to the order dated 28.04.2022 which encloses the payment of Rs.1,60,000/- through three receipts of Rs.80,000/-, Rs.40,000/- and another Rs.40,000/- which was deposited before the learned trial court.

Mr. Chakraborti, learned advocate for the complainant/opposite party no. 1 is present.

Having regard to the fact that the subject matter of the proceedings related to Section 138 of the Negotiable Instruments Act and the parties have arrived at a settlement, I direct the learned trial court to allow the complainant to withdraw the total amount which has been deposited by the petitioner before the learned trial court within a period of 15 days from the date of communication of this order, obviously after necessary compliance for identification etc.

In view of the present state of affairs in a case of compoundable nature, I am of the opinion that the substantial sentence so imposed by the learned trial court and affirmed by the learned appellate court is unwarranted.

Consequently, the order of sentence of simple imprisonment for six months passed in connection with Case No. C 2274 of 2009 and affirmed by the appellate court in Criminal Appeal No. 192 of 2018 is hereby quashed.

Accordingly, the present revisional application being CRR 3090 of 2019 is allowed.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is, hereby made absolute.

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]