

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.R. 2864 of 2014

With

CRAN 1 of 2022

With

CRAN 2 of 2022

Ramkrishna Adhikary

Vs.

Pankaj Nandi & Anr.

Mr. Soumik Ganguli

Mr. Sayan Roy

.... for the petitioner.

Mr. Malay Bhattacharyya

Ms. Sudipa Sengupta

.... for the O.P. 1

Judgment on : 24.11.2022

Ananya Bandyopadhyay, J. :-

Being aggrieved by the order and judgment dated 24th July, 2014 in Criminal Appeal No.21 of 2013 passed by learned Sessions Judge, Bankura, the instant revisional application had been filed by the applicant. The learned Additional Chief Judicial Magistrate, Bishnupur in C. Case No. 75C of 2005 under Section 138 of the Negotiable Instruments Act has sentenced him to suffer simple imprisonment of 20 days and to pay compensation of Rs. 1,50,000/- only. The said order was upheld by the learned Sessions Judge, Bankura as aforesaid.

When the matter came up for hearing, the learned advocate for the petitioner submitted the parties have intended to amicably settle the dispute out of court and the petitioner has agreed to pay Rs. 1,50,000/- by dint of bank draft bearing No. 560362 dated 17.09.2022. In another revisional application being CRR 2849 of 2014 between the same parties, similar issue has been proposed to be settled. Learned advocate for the petitioner further submits that a Bank draft of Rs. 30,000/- bearing No. 560364 dated 19.09.2022 has been prepared by the petitioner as an additional amount to be paid with regard to both the matters as aforesaid which has been accepted by the respondent No.1.

The petitioner and the opposite party No.1 has filed a separate affidavit to this effect that the matter has been amicably settled between them and the opposite party No.1 being the de-facto complainant, is not willing to continue with the pending proceedings and prayed for appropriate order to set aside the judgment and order passed by the learned Sessions Judge, Bankura in Criminal Appeal No.21 of 2013 and the learned Additional Chief Judicial Magistrate, Bishnupur in C. Case No. 75C of 2005 under Section 138 of the Negotiable Instruments Act in terms of the amicable settlement arrived between the parties.

According to Section 147 of the N.I. Act notwithstanding anything contained in the Cr. P.C., every offence punishable under N.I. Act shall be compoundable.

According to Section 320(6) Cr.P.C., the High Court or Court of Sessions while exercising its powers of revision under Section 401 Cr. P.C.

may allow any person to compound any offence, which such person is competent to compound under this Section. When the composition of offence under the Section is made, it shall have the effect of an acquittal of the accused with whom the offence has been compounded under Section 320(8) of Cr.P.C.

In view of the compromise, the conviction and sentence passed by the Additional Chief Judicial Magistrate, Bishnupur in C. Case No. 75C of 2005 under Section 138 of the Negotiable Instruments Act which was upheld by the Ld. Sessions Judge, Bankura in Criminal Appeal No. 21 of 2013 are set aside. The petitioner i.e. Ramkrishna Adhikary is acquitted accordingly and set at liberty.

This criminal revision application being CRR 2864 of 2014 along with CRAN 1 of 2022 and CRAN 2 of 2022 are disposed of as above.

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

(Ananya Bandyopadhyay, J.)