

13.06.2022  
S/L No.4  
KS

**C.R.R. 3079 of 2014**  
**With**  
**IA No.CRAN 1 of 2014 (Old No. CRAN 3712 of 2014)**

**Sri Sachin Kumar Dey**  
**-Vs.-**  
**Sri Adwaita Kumar Hait & Anr.**

|                               |                         |
|-------------------------------|-------------------------|
| Mr. Kanak Kiran Bandyopadhyay |                         |
| Mr. B. Bhunia                 |                         |
|                               | .....For the Petitioner |
| Mr. Binay Panda               |                         |
| Ms. Puspita Saha              |                         |
|                               | .....For the State      |

Party/parties is/are represented in the order by their name/names as printed above in the cause title.

Mr. Kanak Kiran Bandyopadhyay, learned advocate appears for the petitioner. Ms. Puspita Saha, learned advocate appears for the State.

The matter is listed today for hearing and compliance of the earlier order dated 07.04.2022.

Administrative Report has been received from the Registry informing that notice has been served upon the petitioner and opposite party no.1. The same is kept with the record.

Mr. Bandyopadhyay, learned advocate for the petitioner submits that the petitioner has executed a fresh Vakalatnama in his favour but as the earlier advocate on record Mr. Adhikary has not been found, he could not obtain a no objection from him. Learned advocate for the petitioner

produces a letter before this Court by which Mr. Kanak Kiran Bandyopadhyay, has been empowered as learned advocate for the petitioner. Same be kept with the record.

Perused the letter addressed in favour of the learned advocate for his engagement by the petitioner. Learned advocate is granted leave to file his Vakalatnama before the Department by the end of this day without no objection.

Petitioner has filed the instant revisional application under Section 401/397 read with Section 482 of the Code of Criminal Procedure assailing the judgment and order passed on 08.04.2014 by learned Sessions Judge, Purba Midnapur in Criminal Appeal No.3990 of 2013, affirming the order of Learned Chief Judicial Magistrate, Purba Medinipur in C.R. Case No.698 of 2017 under Section 138 of the N. I. Act. The petitioner is sentenced to suffer simple imprisonment for 10 days and to pay compensation to the complainant amounting to Rs.1,65,000/- within two months from the date of judgment.

Learned advocate submits that the entire compensation amount has been paid and the petitioner has undergone sentence for more than 10 days. Under such situation, the petitioner is not inclined to proceed with this revisional application and the same may be disposed of.

Perused the xerox copy of orders passed in C.R. Case No.698 of 2007 wherefrom it appears that P.C.R. No.82/38 dated 22.07.2015, showing payment of Rs.1,65,000/- was placed before the Court. The payment of compensation has satisfied a part of the order relating to compensation granted in favour of the complainant. However, it is not clear if the

substantive portion of the sentence has been fully satisfied by this petitioner/convict. No copy of order has been produced to show that there has been execution of the sentence against the accused person. A xerox copy of the order dated 14.07.2015 bearing no number of the case as in the other order-sheets reflects that the accused was produced from JC on 14.7.2015 that date and the next date for production was 28.07.2015. This order does not indicate that the same is in consonance with the procedural laws as the convict could not have been treated as an UTP and asked for production after a fortnight. In order to satisfy his substantive sentence there should be an order for execution of the sentence indicating the number of days of substantive sentence and issuance of warrant of sentence.

Since the petitioner does not want to proceed with the matter any further, the revisional application is disposed of.

Learned Magistrate is also directed to ascertain from the Case Record (C.R. Case No.698 of 2007) if the petitioner/convict has already undergone the substantive sentence and execute the sentence if not already executed.

Let a copy of this order be sent to the Court of the Learned Sessions Judge, Tamluk, Purba Medinipur and to the Court of the Learned Chief Judicial Magistrate, Purba Medinipur at Tamluk for information.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Ananda Kumar Mukherjee, J.)