

16.03.2023

Sl. No.: 16

Court No.30
BM

CRR 168 of 2020
With
IA No.: CRAN 1 of 2020 (Old No.:CRAN 963 of 2020)

Subrata Banik

vs.

M/s. Prakash Gold Palace Pvt. Ltd.

Mr. Debasish Roy

Mr. Sreemayi Roy

... for the petitioner

Mr. Imran Ali

Mrs. Debjani Sahu

... for the State

Mr. Sourav Bose is present in court with the original power of attorney executed in his favour by the opposite party no.1 through the learned counsel appearing for the State of West Bengal.

Mr. Sourav Bose was representing the complainant company/opposite party no.1 in the present revision.

Mr. Debasish Roy, learned counsel for the petitioner is present with two separate demand drafts amounting to Rs.3,20,000/- (Rupees Three Lac Twenty Thousand). It is further submitted that a sum of Rs.80,000/- has already been deposited with the trial court. It is further submitted that the total amount of compensation as directed by the trial court to the extent of Rs. 4 lac has now been paid.

The opposite party no.2 has filed a receipt of payment made by the petitioner before the court through the learned counsel for the State. The order of the learned ACMM-I, Calcutta in complaint case No.640 of

2011 under Section 138 of the N.I Act was affirmed by judgement dated 18.12.2019 by the learned Additional Sessions Judge, Fast Track Court-II, Bichar Bhawan, Calcutta in Criminal Appeal No.101 of 2018. The opposite party/complainant having accepted the amount of compensation as paid by the accused/petitioner herein and considering all these facts and the present facts and circumstances, the substantive sentence to suffer simple imprisonment for two years is set aside. The order of the learned ACMM-I dated 7.9.2018 and the judgement dated 18.12.2019 of the appellate court are modified accordingly.

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CRR 168 of 2020 stands disposed of.

Affidavit of service filed in court be kept with the record.

All connected application stands disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)