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19.01.2023
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C.R.R.314 of 2021

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Sri Samar Mondal and another
Versus
Sri Anindya Roy and Another

Mr. Dipanjan Chatterjee,
Mr. Kalyan Kumar Bhattacharjee,
Ms. Reshmi Khatun.
...for the petitioners.

Mr. Narayan Prasad Agarwala,
Mr. Mirza Firoj Ahmed Begg.
...for the State.

Mr. Bapin Baidya.
...for the opposite party no.1.

A joint compromise application being CRAN 4 of 2023 has been preferred by the petitioners, namely, Samar Mondal and Mintu Kanthal and the complainant/opposite party no.1, namely, Aninda Roy and the application is taken up for hearing by treating the same as on day's list.

The original case was C-719 of 2010 (re-numbered as C/1191 of 2018) under Section 138 of the Negotiable Instruments Act. The learned ACJM, Baruipur by its judgment and order dated April 4, 2019 was pleased to hold the present petitioners guilty of the offence and sentenced them. The petitioners preferred an appeal which was dismissed on 22.01.2021 by the learned Additional District and Sessions Judge, Baruipur in connection with Criminal Appeal No.08 of 2019.

The subject-matter of the case under Section 138 of the Negotiable Instruments Act relates to an amount of cheque to the extent of Rs.37,000/-. The petitioners deposited an amount of Rs.10,000/- each, aggregating to a sum of Rs.20,000/- at the time of admission of the revisional application before the trial Court.

Today, a banker's cheque has been handed over to the complainant. The same is to the extent of Rs.20,000/-.

I direct the complainant/opposite party no.1 to withdraw the amount which has been deposited with the trial court pursuant to the order passed by this Court. The amount of Rs.40,000/- has been received by the complainant/opposite party no.1 and intention has been expressed for compounding the offence.

Accordingly, the judgment and order dated April 4, 2019 passed by the learned ACJM, Baruipur, 24 Parganas (South) in Case No. C-719 of 2010 (re-numbered as C/1191 of 2018) as also the judgment and order dated 22.01.2021 passed by the learned Additional District and Sessions Judge, Baruipur, 24 Parganas (South) in Criminal Appeal No.8 of 2019 is hereby quashed.

The complainant/opposite party no.1 would be entitled to the amount of Rs.20,000/-.

Learned ACJM, Baruipur will take efforts so that the complainant receives the amount within a fortnight from the date of filing of the application. In the alternative, the opposite party no.1 will be at liberty to pray for a direction from this Court after the aforesaid period is over.

With the aforesaid observations, CRAN 4 of 2023 is

allowed.

Accordingly, CRR 314 of 2021 is disposed of.

Pending application, if any, is consequently dismissed.

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

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

(Tirthankar Ghosh, J.)