

19.07.2023
Serial no. 34
[G.S.D]

CRR 826 of 2021

With
CRAN 1 of 2022

In the matter of : Hartej Singh

... .. Petitioner

Mr. Sabir Ahmed
Mr. Alokesh Dalai
Mr. Dhiman Banerjee
Mr. Soham Chakraborty

... For the Petitioner

Mr. Navanil De
Mr. Subhamay Dewanji

... for the O.P.No.1

Mr. De, Learned Advocate appearing on behalf of the complainant/O.P. No.1, has filed an Affidavit of one, Ashim Lahiri, an employee of the M/s. Budge Budge Fire Station. The said Affidavit reflects that the complainant, who initiated the case, being Case No. CR-4786 of 2010 under Section 138 of the Negotiable Instrument Act, has received an amount of Rs. 6 lakhs pursuant to the direction passed by this Court.

The background of the case reflects that there was a Judgment and Order of conviction passed by the Learned CJM, Alipore as well as the Learned Appeal Court being the

Learned Additional District and Sessions Judge, 6th Court, Alipore in Criminal Appeal No. 135 of 2016.

Both the Learned Trial Court and the Learned Appeal Court convicted and sentenced the present petitioner, who was accused in the case. The amount of the cheque which was dishonoured and became the subject-matter of the complaint under Section 138 of the N.I. Act, is Rs.3,55,353/-. As the sum of Rs. 6 lakhs have been paid by the accused and has been accepted by the complainant, I am of the opinion that any other sentence imposed by the Learned Trial Court and affirmed by the Learned Appeal Court is hereby quashed.

Hence, the sentence is reduced to the amount of Rs. 6 lakhs as fine and compensation which has been accepted by the complainant.

Consequently, the revisional application, being CRR 826 of 2021, is allowed.

The accused/appellant/petitioner undertakes that he will not file any other suit for recovery of the amount which has been handed over to the complainant.

With the aforesaid observations, CRR 826 of 2021 is disposed of. Pending application(s), if any, is also disposed of.

The Department is directed to return the Lower Court Records to the respective Courts.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

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

(Tirthankar Ghosh, J.)