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CRR 1599 of 2018
IA NO: CRAN 2 of 2019 (Old No: 416 of 2019)
CRAN 3 of 2023

Modhu Ganariwal & Modhu Ganeriwal & Ors.
Versus
Nirmala Agarwal

Mr. Ayan Bhattacharjee,
Mr. Amitabrata Hait ... for the petitioners.

Mr. Karan Dudhwewala
Mr. Amar Dudhwewala ... for the opposite party.

1. Mr. Ayan Bhattacharjee, learned advocate appearing on behalf of the petitioners and Mr. Karan Dudhwelala, learned advocate appearing on behalf of the private opposite party are present.
2. Mr. Dudhwewala, learned advocate appearing on behalf of the opposite party/complainant filed one application for compounding the case as there was an amicable settlement between the parties as it also appears from the order dated 05.12.2023 showing payment of Rs. 2,50,000/- by the petitioners/convicts.
3. From the record, it appears that this revisional application was filed challenging the judgment and order dated 29th May, 2018 passed by the learned Additional Session Judge, 1st Fast Track Court, Bichar Bhawan, Calcutta affirming the judgment and order of conviction passed on 18th July, 2016 by the learned Metropolitan Magistrate, 3rd Court, Calcutta.

4. After trial learned Metropolitan Magistrate found all the petitioners guilty of committing offence under Section 138 of the Negotiable Instruments Act and sentenced to suffer imprisonment till the rising of the Court and also to pay compensation of Rs. 3,30,000/- each to the complainant within two months from date of the order, in default to suffer further simple imprisonment for ten (10) months.
5. However, one application has been filed on behalf of the complainant/OP for compounding the offence. I find no reason to stand in the way of settlement between the parties as the petitioners already paid Rs.2,50,000/- on 05.12.2023 by handing over a demand draft to the learned counsel appearing on behalf of the complainant/OP and today also a demand draft of Rs.2,50,000/- is being handed over to the learned counsel appearing on behalf of the complainant/OP as per settlement.
6. Keeping an eye to the compounding of offence under Section 147 of the Negotiable Instruments Act, the judgment and order passed by the learned Metropolitan Magistrate, 3rd Court, Calcutta dated 18th July, 2016 as well as the judgment and order dated 29th May, 2018 by the learned Additional Sessions Judge, 1st Fast Track Court, Bichar Bhawan, Calcutta stand set aside.
7. Petitioners/convicts be set at liberty and be discharged

from their respective bail bond.

8. Accordingly, CRAN 3 stands disposed of.
9. With the aforesaid observation, the revisional application stands disposed of.
10. Trial Court's Record be send back immediately.
11. Let the copy of this order be communicated to the learned Trial Court immediately.
12. All parties to this revisional application shall act on the server copy of this order downloaded from the official website of this Court.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)