

19.05.2023

Sl. No.04.

D/L.

Mithun.

Ct.No.42.

IA No: CRAN/1/2023, CRAN/2/2023

In

CRR/1776/2023

Madhab Chandra Das

Vs.

Shriram Transport Finance Company Ltd & Anr.

Mr. Sujoy Sarkar, Adv.

...for the petitioner.

Mr. Prasun Mukherjee, Adv.

Mr. Rahul Chanchan, Adv.

...for the opposite party No.1.

The instant revision is filed after the expiry of the period of limitation. An application under Section 5 of the Limitation Act has been filed.

The application under Section 5 of the Limitation Act is taken up for hearing.

I have heard the learned Advocate for the petitioner and the opposite party No.1.

The opposite party No.1 has raised no objection if the period of limitation is condoned.

I have also perused the petition. The ground set out by the petitioner for condonation of delay appears to be satisfactory. Therefore, delay is condoned.

The revisional application is taken up for hearing. The instant revision arises out of a criminal proceeding under Section 138 of the Negotiable Instruments Act.

During the pendency of the instant proceeding, the petitioner already paid entire cheque amount as well as the compensation as

directed by the learned Judicial Magistrate in his order and conviction and sentence.

Learned Advocate for the opposite party has also admitted to receipt of such amount. Therefore, parties have prayed for dropping further proceedings in Criminal Appeal No.54 of 2023 in view of payment of compensation to the opposite party.

Prayer is considered and allowed.

For the reasons stated above, Criminal Appeal No.54 of 2013 be dropped.

The learned First Appellate Court is directed to pass necessary order of dropping the proceedings in Criminal Appeal No.54 of 2013.

The instant revision is accordingly disposed of.

In view of payment of compensation amount, the sentence of imprisonment be set off.

(Bibek Chaudhuri, J.)