

02.5.2023
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SB
Ct. No.236

CRR 1809 of 2012
CRAN 1 of 2023
CRAN 2 of 2023
CRAN 3 of 2023

In the matter of : Laxmi Narayan Singh

Mr. Arindam Singh
Mr. Saurav Basu
Mr. Asit Bera ... for the petitioner

Mr. B. K. Ray
Ms. Sima Biswas ... for the State

Mr. Samit Bhanja ... for the O.P. No. 1

Heard the learned advocates for the parties.

This revisional application was filed challenging the order passed in Criminal Appeal No. 32 of 2009 thereby affirming the judgement and order of conviction and sentence by the learned Metropolitan Magistrate, 10th Court, Calcutta in connection with C. 8479/2004. This revisional application was dismissed for default on 07.9.2021. It is contended that the petitioner came to know about the order of dismissal only after police knocked at his door pursuant to the direction of the learned Court. It is submitted by the learned counsel appearing on behalf of the petitioner who has been suffering an order of conviction the he has paid the entire amount to the opposite party.

Under such circumstances, having found that the inaction on the part of the petitioner has been properly explained, I am inclined to condone the delay and restore the application to its original file and number.

The applications being CRAN 2 of 2023 and CRAN 3 of 2023 are disposed of.

It is submitted by Mr. Sen, learned counsel representing the petitioner that a sum of Rs.1,20,000/- in compliance with the direction of the learned Trial Court has been paid by Mr. Laxmi Narayan Singh in favour of Shriram City Union Finance Limited which has been acknowledged by the company on 27.3.2023 vide No. CALC22303270021. It is further submitted by Mr. Sen that pursuant to the direction by this Court while granting stay of impugned order a sum of Rs.40,000/- was deposited to the learned Trial Court. The petitioner is now seeking leave to withdraw the said amount which is considered and the prayer is allowed.

Learned Trial Court is directed to refund the amount of Rs.40,000/- deposited on 28.9.2012 to the petitioner Laxmi Narayan Singh on proper identification.

Since the parties have settled their dispute out of Court and terms of compromise are otherwise valid and lawful, I do not find any reason to stand in the way.

The impugned judgement stands quashed.

The revisional application and the application being CRAN 1 of 2023 are disposed of.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

Parties are to act on server copy of this order duly downloaded from the official website of this Court.

(Siddhartha Roy Chowdhury, J.)