

C.R.R. 2063 of 2023

With

CRAN 1 of 2023

Kalyan Banerjee

Vs.

State of West Bengal & Anr.

Mr. Ejaz Khan
Mr. Prodip Kumar De
Ms. A. Adhikary

... .. for the petitioner

Mr. Samrat Goswami

... .. for the opposite party no.2

Petitioner has challenged the order dated 21.08.2014 passed in Criminal Appeal No.9 of 2007 by the learned Additional Sessions Judge, 1st Court, Hooghly as also the judgement and order dated 16.01.2007 passed in C.R. Case No.314 of 2003 (T.R. No.649 of 2003) under section 138 of the Negotiable Instrument Act. There was an order relating to conviction and sentence dated 16.01.2007. The subject matter of the sentence relates to simple imprisonment for one year and compensation of Rs.3,50,000/- to be paid to the complainant as per provision of section 357(3) of the Code of Criminal Procedure.

Photostat copy of the mutual consent compromise deed has been enclosed with the revisional application wherein the complainant expressed his intention not to pursue with the revisional application as he has received the amount by way of demand draft is reflected in the said compromise deed.

Having regard to the joint compromise petition which has been affirmed on behalf of Kalyan Banerjee, the accused/petitioner as also the complainant/the opposite party no.2, I am of the view that the judgement and order of conviction and sentence passed by

the learned Chief Judicial Magistrate, 1st Class, 2nd Court, Chandannagar in connection with C.R. Case No.314 of 2003 (T.R. No.649 of 2003) which was affirmed in Criminal Appeal No.9 of 2007 by the learned Additional Sessions Judge, 1st Court, Hooghly and all subsequent orders passed therein relating to execution of the orders passed by the learned trial Court and the appellate Court pursuant to such compromise be quashed.

Mr. Samrat Goswami, learned advocate appearing for the opposite party no.2 submits that as the original complainant has expired his next kin being his wife is represented and entered into the amicable settlement/compromise and received the quantum.

Accordingly, CRR 2063 of 2023 and CRAN 1 of 2023 are allowed.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)