

CRR 1896 of 2016
with
I.A. No. CRAN 1 of 2016 (Old No. CRAN 3756 of 2016)
CRAN 3 of 2022

In the matter of: **Sujit Kr. Chakraborty**
... petitioner

Mr. Suman De
... for the petitioner

Mr. Arani Bhattacharyya
Ms. Anindita Mukherjee
... for the opposite party no. 2

Mr. Dey, learned counsel appearing for the petitioner has moved an application being CRAN 3 of 2022. In the same, the petitioner has contended about coming to a settlement in this case with the opposite party by duly remitting the outstanding amount alleged to have been defalcated by him. On the said fact and ground, the petitioner has prayed for an appropriate order of this Court dismissing of the present revision petition.

A supplementary affidavit has been filed today on behalf of the opposite party no. 2 duly supporting and corroborating the above facts as stated by the petitioner. Let the same be kept with the record.

The instant petition is preferred to challenge the impugned order dated 30.03.2016 passed in criminal appeal no. 101/2014 by the learned Additional District & Sessions Judge, Fast Track, 1st Court, City Sessions Court, Calcutta. The appeal was related to an order of conviction by the learned Magistrate in complaint case no. 235/2011. The present petitioner was alleged to have been defalcated

an amount of Rs. 1 lakh, the cheque had been issued in discharge of valid debt but dishonoured. Ultimately, the petitioner was convicted in the said complaint case as mentioned hereinabove and such order of conviction, when challenged in the appeal, was upheld by the appellate court also.

Thus, being aggrieved by such order, the petitioner has come up by way of this petition before this Court.

From the application of the petitioner as well as the supplementary affidavit submitted on behalf of the opposite party no. 2, it transpires that during pendency of this case, both the parties have come to a compromise when the petitioner has remitted the entire amount in this case by paying Rs. 45,000.00 by cheque and remitting an amount of Rs. 55,000.00 with the learned trial court in due discharge of his liability. It is also submitted that the amount of money deposited by the petitioner with the learned trial court has been withdrawn by the opposite party.

Thus, the facts and circumstances of the instant case prompts this Court to find that in this case nothing remains for adjudication any further and the compromise arrived at by the parties may be accepted as due discharge of liability by the petitioner with respect to the dishonored cheque.

Accordingly, it is ordered that the impugned judgment and order of the learned trial court dated 30.03.2016 in criminal appeal no. 101/2014 and also the judgment in complaint case no. 235 of 2011 of the Court of A.C.M.M., Kolkata be set aside being devoid of any merit.

With the above directions, the instant revisional application stands **disposed of**. Consequently, the connected applications, if any,

also stand disposed of.

There will be however no order as costs.

(Rai Chattopadhyay, J.)