

Sl No.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

***C.R.R. 2295 of 2014
With
CRAN 1 of 2023***

***Gopal Chandra Mukherjee
Vs.***

The State of West Bengal & Anr.

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosal

.... for the petitioner.

Mr. Soumik Ganguli
Mr. Sourat Nandy

.... for the O.P. 2

Judgment on : 08.08.2023

Ananya Bandyopadhyay, J. :-

Being aggrieved by the order and judgment dated 27th June, 2014 in Criminal Appeal No.44 of 2011 passed by learned Additional Sessions Judge, 1st Court, Bankura, the instant revisional application had been filed by the applicant/petitioner. The learned Judicial Magistrate, 6th Court, Bankura in connection with Case No. 73C of 2006/T.R. No. 184T/2006 under Section 138 of the Negotiable Instruments Act, 1881 directed the petitioner to pay Rs. 53,800/- to the complainant as compensation within sixty days from the date of passing of the judgment in default to pay a fine

of Rs. 4,000/ in default to suffer simple imprisonment for two months, in case of failure to pay the fine and compensation money. The sentences will run consecutively. The said order was upheld by the learned Additional Sessions Judge, 1st Court, Bankura as aforesaid.

From the record it transpires that the petitioner has deposited Rs. 40,000/- to the opposite party No.2 by an agreement dated 19.12.2023.

The petitioner and the opposite party No.2 has filed an compromise application i.e. CRAN 1 of 2023 to this effect that the matter has been amicably settled between them. On 19.12.2019 petitioner has paid 40,000/- to the opposite party No. 2.

Accordingly, opposite party No.2 being the de-facto complainant, is not willing to continue with the pending proceedings and prayed for appropriate order to set aside the judgment and order passed by the learned Additional Sessions Judge, 1st Court, Bankura in Criminal Appeal No.44 of 2011 and the learned Judicial Magistrate, 6th Court, Bankura in connection with Case No. 73C of 2006/T.R. No. 184T/2006 under Section 138 of the Negotiable Instruments Act, 1881 in terms of the amicable settlement arrived between the parties.

According to Section 147 of the N.I. Act notwithstanding anything contained in the Cr. P.C., every offence punishable under N.I. Act shall be compoundable.

According to Section 320(6) Cr.P.C., the High Court or Court of Sessions while exercising its powers of revision under Section 401 Cr. P.C. may allow any person to compound any offence, which such person is

competent to compound under this Section. When the composition of offence under the Section is made, it shall have the effect of an acquittal of the accused with whom the offence has been compounded under Section 320(8) of Cr.P.C.

In view of the compromise, the conviction and sentence passed by the learned Judicial Magistrate, 6th Court, Bankura in connection with Case No. 73C of 2006/T.R. No. 184T/2006 under Section 138 of the Negotiable Instruments Act, 1881 which was upheld by the learned Additional Sessions Judge, 1st Court, Bankura in Criminal Appeal No. 44 of 2011 are set aside. The petitioner i.e. **Gopal Chandra Mukherjee** is acquitted accordingly and set at liberty.

This criminal revision application being CRR 2295 of 2014 along with CRAN 1 of 2023 are disposed of as above.

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

(Ananya Bandyopadhyay, J.)