

17.01. 2023
item No.22
n.b.
ct. no. 551

CRR 3896 of 2017

**Kaushalya Jaiswal
Vs.
State of West Bengal & Anr**

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta
... for opposite party no.2.
Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose,
.. for the State.

None appears on behalf of the petitioner.

Mr. Pratick Bose, learned advocate appearing on behalf of the State who was requested by this Court to inform the petitioner, submits that he informed the learned advocate for the petitioner, but he did not turn up.

Considering the submissions of the learned advocate for the State, I think it is necessary to dispose of the instant criminal revisional application on hearing the learned advocate for the State as well as learned advocate for the private opposite party no.2.

Heard the learned advocates and perused the grounds for criminal revision. The instant criminal revisional application has been preferred against the judgment and order dated 5.9.2017 passed by the learned Additional District and Sessions Judge, Fast Track Court No.II, Bichar Bhawan, Calcutta in connection with Criminal Appeal no.67 of 2016, thereby affirming the judgment dated 29.4.2016 passed by the Learned Additional Chief

Metropolitan Magistrate, Calcutta in Complaint Case no.C-81 of 2011 under Section 138 of Negotiable Instruments Act, thereby convicting the present petitioner and sentencing her to suffer simple imprisonment till rising of the Court and to pay Rs.25,00,000/- towards compensation to the opposite party/complainant, in default to undergo simple imprisonment for further period of six months.

The present petitioner is arrayed as an accused by the present opposite party no.2 in a petition of complaint filed under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate i.e learned Additional Chief Metropolitan Magistrate, Calcutta; in respect the impugned cheque bearing no.477921 dated November 1, 2010 with an amount of Rs.20,00,5,307/- drawn on ABM AMRO Bank issued by the petitioner herein.

The learned Magistrate has considered the evidences and discussed elaborately the grounds of defence and admissibility of the documents. After specifying of the case of the present opposite party no.2. Learned Magistrate has passed the order of sentence against the present petitioner to suffers simple imprisonment till rising of the Court and to pay Rs.25,00000/- as compensation to the complainant. The present petitioner preferred an appeal against the said order before the learned Sessions Judge and the appeal was heard by the learned Sessions Judge, Fast Track Court No.II, Bichar Bhawan, Calcutta whereby learned Additional Sessions Judge has affirmed the order of sentence passed by the Learned ACMM, Calcutta.

I have gone through the judgment passed by the learned Court below and in considering of the argument advanced by learned advocate for the opposite party no.2 as well as the State, it appears that there is no chance for interference with the impugned order passed by the learned Additional Sessions Judge.

Thus, I find no merit to entertain the instant criminal revisional application as it is found devoid of merit.

Accordingly, the instant revisional application is dismissed and be treated as disposed of. The impugned order passed by the learned Sessions Judge is hereby affirmed.

Any order of stay passed by this Court during the continuation of the instant revisional application is also hereby vacated.

The petitioner is directed to appear before the learned ACMM, Calcutta to serve out the sentence on 17th day of February, 2023 failing which the learned ACMM, Calcutta is directed to issue warrant of arrest against the present petitioner for compliance of this order.

Let a copy of this order be served upon the learned ACMM, Calcutta for his information and necessary compliance.

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

(Subhendu Samanta, J.)