

08.12.2023

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SR

CRR 3327 of 2013

with

CRAN 2 of 2023

In the matter of : Samir Kumar Chakraborty & Anr.
.... petitioners.

Ms. Devi Priya Mitra ... for the petitioners.

Ms. Debjani Sahu ... for the opposite party no.2.

The report filed by the Inspector-in-Charge of Sonarpur Police Station, Baruipur Police District dated 16th November, 2023 stated that the petitioner no.2 has expired on 8th November, 2022 supported by a copy of the death certificate issued by the Peerless Hospitex Hospital and Research Centre Limited be kept on record.

In compliance with the order dated 15th September, 2023, the petitioner no.1 and the opposite party/complainant are present in Court.

The learned advocates for the petitioners as well as the opposite party/complainant have filed an application being CRAN 2 of 2023, *inter alia*, stating that the dispute between the parties has been settled amicably and an amount of Rs.3,50,000/- has been paid by the petitioners to the complainant. In view of the provisions under Section 147 of the Negotiable Instrument Act and Section 320 of the Criminal Procedure Code, the prayer in the application being CRAN 2 of 2023 is allowed.

The judgement and order dated 15th December, 2011 passed by the learned Additional District and Sessions Judge, Fast Tract 1st Court, Alipore, 24-Parganas (South) in connection with Criminal Appeal No.68 of 2009 confirming the judgement and order of Conviction and Sentence dated 24th August, 2009 passed by the learned Judicial Magistrate, 10th Court Alipore, 24-Parganas (South), in connection with Case No.775/2006 convicting the petitioners under Section 138 of the Negotiable Instrument Act, 1881 are set aside.

The instant revisional application along with the application being CRAN 2 of 2023 is disposed of.

Copy of the order be sent to the trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)