

09.01.2023

Court No.35
Item No. 23

D.Hira

CRR 4079 of 2016
With
CRAN 5 of 2019 (Old No. CRAN 827 of 2019)

Mousumi Adhikary
Vs.
The State of West Bengal & Anr.

Ms. Debina Mitra.

... for the petitioner

Ms. Sudipa Biswas.

... for the OP no. 2

Mr. Arijit Ganguly,
Ms. Debjani Sahu.

... for the State

This is a case under Section 482 of the Code of Criminal Procedure filed by the petitioner challenging the order dated 27th September, 2016 passed by the Sessions Judge, Bankura in Criminal Appeal No. 01 of 2016. The said appeal arose challenging the order of the Judicial Magistrate, 3rd Court, Bankura dated 14th December, 2015 in Complaint Case No. 44C of 2013.

The Trial Court by dint of the said order dated 14th December, 2015 had convicted the present petitioner under Section 138 of the Negotiable Instruments Act. The judgment of the Trial Court as above was affirmed by the Sessions Judge in the criminal appeal as mentioned above.

The crux of the complaint is that the opposite party no. 2 advanced a legally enforceable debt to the present petitioner who issued a cheque of Rs.3,00,000/- dated 21.11.2012 for repayment of the same. The said cheque was ultimately dishonored, giving rise to the complaint being filed by the present opposite party against the petitioner under Section 138 of the Negotiable Instruments Act.

During pendency of the instant case, it is submitted that the

parties have come to an amicable settlement and money has already been paid by the petitioner to the opposite party no. 2.

It is also submitted that an amount of Rs.1,25,000/- which is now deposited in terms of Court's direction dated 14th December, 2015 with the Trial Court, and is required to be remitted to the opposite party in discharge of that loan, be directed to be withdrawn.

Considering the submissions of the parties as made above, it is found that in this revision nothing remains to be adjudicated any more. The petitioner has discharged his liability and hence, there is no further ground against him to proceed in a criminal case.

Considering the above, this revision is disposed of with the directions as follows:-

(i). The order dated 27th September, 2016 passed by the Sessions Judge, Bankura be set aside. The complaint against the petitioner does not subsist any more.

(ii). Parties have now settled the dispute between themselves. Accordingly, let the amount of Rs.1,25,000/- which is now kept in the custody of the Trial Court vide Court's order dated 14th December, 2015, be directed to be withdrawn by the opposite party immediately.

With these directions, this revision case is disposed of.

All pending applications, if any, are consequently disposed of.

Certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(Rai Chattopadhyay, J.)