

14-08-2023
Court No.3
mg/28.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.R.R. 179 of 2021

**RAMESH MAHATO
Vs.
SRI PRATAP CHANDRA NANDI @ PRATAP
NANDI & ANR.**

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Sourav Ganguly
...for the State

The petitioner in this case did not appear on previous occasions namely on 12.05.2023 as well as 14.07.2023.

This is a case of dishonor of cheque. The trial Court namely the Additional Chief Judicial Magistrate, Siliguri in C.R. case no.686 of 2008 convicted the petitioner and sentenced him to suffer simple imprisonment for a term of two months and to pay fine of Rs.2,00,000/- in default to suffer simple imprisonment for a term of six months each for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881.

Additional Sessions Judge, First Court Siliguri in terms of Judgment and Order dated 31.08.2021 confirmed the Order of conviction.

There are concurrent findings of the two Courts.

In that situation, the High Court will loath to interfere into unless compelling reasons are there. On perusal of the judgment in appeal there seems to be no reason to depart from the above mentioned principle. Both the Courts passed their respective judgments on proper appreciation of evidence and correct application of law. Therefore, this Court do not find it necessary to interfere into the Order passed by the first appellate Court.

Accordingly, the instant revisional application stands dismissed on merit.

(SUGATO MAJUMDAR, J.)