

15.05.2024.
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Court no.237
BP

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRMSPL 8 of 2024
with
CRAN 1 of 2024

Anish Shaw
versus
Ananda Baur & Ors.

Ms. Jharna Biswas
..for the petitioner/appellant.

Ms. Anita Shaw
..for the respondent no. 2

Re: CRAN 1 of 2024

1. Learned counsel appearing on behalf of the petitioner as well as respondent no.2 are present on call. Affidavit in opposition is filed and taken on record.
2. Learned counsel appearing on behalf of the petitioner has submitted that the parties to the proceeding under Section 138 of the Negotiable Instrument Act entered into a compromise on the ground of payment of the entire amount within sixteen installments started from 30th September, 2022 till December, 2023 @ Rs. 50,000/- per month.
3. Learned Trial Judge compounded the case being complaint case no. 296C/2021 and acquitted the

accused/respondents on 2nd August, 2022 on condition to pay the amount by sixteen installments till December, 2023.

4. Learned counsel appearing on behalf of the petitioner has submitted that the respondent paid only three installments and thereafter no further installment was paid but the petitioner had to wait till December, 2023.
5. Learned counsel appearing on behalf of the respondent no.2 has submitted that the respondent tried to make payment but the petitioner refused to accept it. In support of his contention, no document has been filed before this Court.
6. Considering the reason of delay explained in paragraph 14, I find no reason to disallow the prayer for condonation of delay. The delay is condoned.
7. Accordingly CRAN 1 of 2024 stands allowed.

Re: CRMSPL 8 of 2024

1. This appeal has been filed against the common judgement and order of conditional acquittal dated 02.08.2022 passed by the learned Judicial Magistrate, 1st Court, Howrah in

three complaint cases no. 295C/2021, 296C/2021 and 297C/2021.

2. Learned counsel appearing on behalf of the petitioner/appellant has submitted that though accused were acquitted on condition to make payment in sixteen installments but they did not do so.
3. Having heard the learned counsel appearing on behalf of the petitioner and also having gone through the judgement passed by the learned Magistrate, liberty is given to the petitioner file appeal within the statutory period.
4. CRMSPL 8 of 2024 stands disposed of.

(Bibhas Ranjan De, J.)