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13.11.2024
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CRR 238 of 2016
With
CRAN 5 of 2023
CRAN 6 of 2024

Md. Basir
Vs.
Akil Ahmed Khan & Anr.

Mr. Danish Haque
Md. Zohaib Rauf
Mr. Adbul Zahid
Md. Siraj Munir ...for the petitioner

Mr. Jayanta Samanta
Ms. Karunamayee Samanta ..for the O.P. no. 1

Re: CRAN 5 of 2023

This is an application for restoration after recalling the order dated 10.6.2022 by which this court was pleased to dismiss the revisional application.

Learned counsel for the opposite party did not raise any objection to such prayer.

Upon hearing of learned counsels for both the parties and the grounds shown in the application, it appears to be satisfactory and accordingly, the prayer made in the application is allowed.

The application being CRR 238 of 2016 is restored in its original file with original number.

CRAN 5 of 2023 is accordingly disposed of.

**Re: CRR 238 of 2016
with
CRAN 6 of 2024**

It is submitted that, the petitioner was convicted in a proceeding under Section 138 of the Negotiable Instrument Act by the Trial Court.

Being aggrieved by the judgment passed by the Trial Court convict/petitioner herein preferred appeal before the appellate court who affirmed the conviction order. Being aggrieved by that order of affirmation, the petitioner/convict has preferred the present application under Section 482 of the Code of Criminal Procedure.

However during pendency of the present application, the complainant and the petitioner/convict had made an amicable settlement and by way of settlement, it is submitted that the entire cheque amount has already been paid by the petitioner/convict to the opposite party/complainant. To that extent, they have also filed this application being CRAN 6 of 2024, which has been signed and affirmed by complaint/opposite party along with copy of memorandum of understanding being Annexure P-1.

Accordingly, the parties seek to pass necessary order.

Having considered the facts and circumstances of the case and the submissions made by both the parties it appears that the offence is compoundable. Complainant's/opposite party's assertion that the composition is voluntary, genuine and true is thus accepted. The offence under Section 138 of the Negotiable Instrument Act, 1881 in connection with C.R. case no. 135 of

2009 is hereby compounded, and accused/petitioner, in effect, acquitted from said offence.

CRR 238 of 2016 along with CRAN 6 of 2024 are accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)