

29.02.2024

28

Ct. No. 33

**KAUSHIK/CM**

**C.R.R. 195 of 2013  
CRAN 1 of 2013 (Old CRAN 186 of 2013)**

**In Re. Dr. Mrinal Bhattacharya**

... for the petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

... for the petitioner

Mr. Monojit Chatterjee

... for the O.P. No. 1

The learned advocate for the petitioner has filed a joint affidavit, which was affirmed by both the parties. Let the same be kept on record.

In paragraphs 2 to 5 of the joint affidavit, it is stated that the matter has been amicably settled between the parties.

The instant revisional application has been preferred against judgment and order dated 24<sup>th</sup> August, 2012 passed in Criminal Appeal bearing number 19 of 2009 passed by the learned Additional Sessions Judge, 1<sup>st</sup> Court at Howrah in connection with criminal complaint case no. 30C of 2006 whereby the aforesaid Court had dismissed the judgment passed by the Chief Judicial Magistrate, Howrah on 11<sup>th</sup> September, 2009.

The opposite party No. 1 states that he has received Rs.23,000/- in cash from the petitioner.

According to Section 147 of the N.I. Act notwithstanding anything contained in the Cr. P.C., every offence punishable under N.I. Act shall be compoundable.

According to Section 320(6) Cr.P.C., the High Court or Court of Sessions while exercising its powers of revision under Section 401 Cr. P.C. may allow any person to compound any offence, which such person is competent to compound under this Section. When the composition of offence under Section is made, it shall have the effect of an acquittal of the accused with whom the offence has been compounded under Section 320(8) of Cr.P.C.

In view of the compromise, the conviction and sentence passed by the learned Chief Judicial Magistrate, 4<sup>th</sup> Court, Howrah in Complaint Case No. 30C/2006, under Section 142 read with Section 138 of the Negotiable Instruments Act which was dismissed by the learned Additional Sessions Judge, 1<sup>st</sup> Court, Howrah in Criminal Appeal No. 19 of 2009 are set aside. The petitioner i.e. **Dr. Mrinal Bhattacharya** is acquitted accordingly and set at liberty.

This criminal revision application being CRR 195 of 2013 along with CRAN 1 of 2013 (Old CRAN 186 of 2013) are disposed of.

The petitioner as well as opposite party No. 1 is present in Court today. Their personal appearance is noted and dispensed with.

Copy of the order as well as lower court records be sent to the trial court immediately.

All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

**(Ananya Bandyopadhyay, J.)**