

04.03.2024

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Ct. No. 33

gd/ssd/cm

**C.R.R. 1525 of 2011
CRAN 2 of 2011 (Old CRAN 2312 of 2011)**

In Re. Himangshu Hazra

... for the petitioner

Mr. Dipyan Dan
Mr. Sombit Das
Mr. D. Chakraborty
... for the petitioner

Mr. Soni Ojha
Md. Minhajuddin
... for the O.P. No. 2

The instant revisional application has been preferred against judgment and order dated 11th April, 2011 passed by the learned Additional District & Sessions Judge, FTC No. II, Bichar Bhawan, Calcutta in Criminal Appeal bearing number 59 of 2010 arising out of impugned judgment passed by learned M.M. 13th Court, Calcutta in T.R. 1778/2007 in Case No. C-23644/2007 and thereby sentencing the accused/appellant to suffer simple imprisonment for 15 days and to pay a fine of Rs. 5,000/- as compensation to the complainant.

The learned advocate for the opposite party no. 2/Bank has filed an affidavit stating in Paragraph 3 that the disputes between the petitioner and the bank have been settled on the basis of a proposal dated 11.03.2016 whereby the settlement

amount of Rs.44,000/- has been accepted by the bank and the loan account has been closed from being operative.

The opposite party no. 2/Bank issued No Dues Certificate dated 06.02.2024 in favour of the petitioner. Let the said affidavit be kept on record.

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 M.M., 13th Court, Calcutta in T.R. 1778/2007 in Case No. C-23644/2007 which was dismissed by the learned Additional District & Sessions Judge,, FTC No. II, Bichar Bhawan, Calcutta in Criminal Appeal No. 59 of 2010 are set aside. The petitioner i.e. **Himangshu Hazra** is acquitted accordingly and set at liberty.

This criminal revision application being CRR 1525 of 2011 along with CRAN 2 of 2011 (Old CRAN 2312 of 2011) are disposed of.

The representative of the opposite party no. 2/Bank is present. His personal appearance is noted and dispensed with.

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

(Ananya Bandyopadhyay, J.)