

17.05.2024
Item No.15
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1824 of 2024

In the matter of : **Sujit Halder** ... Petitioner.

Mr. Jibantaraj Dan Roy,
Ms. Muskan Agarwal ... For the Petitioner.

Mr. Ramij Munshi,
Ms. Champa Pal ... For the Opposite Party.

Mr. Arijit Ganguly ... For the State.

Report dated 17.05.2024 submitted by the State be kept with the record.

The background of the case relates to an offence under Section 138 of the Negotiable Instruments Act wherein the learned trial court convicted the present petitioner and the same was affirmed by the appellate court. Subsequently there was an amicable settlement between the parties and such submission was advanced and averred in the revisional application itself. Consequent to the same, the State was directed to record the statement of the complainant of the proceedings under Section 138 of the Negotiable Instruments Act. Accordingly, the statement of the complainant viz. Champa Bali was recorded wherein she stated that she has received approximate amount and has considered also the financial condition of the accused/petitioner and as such do not intend to pursue with the complaint case being C.R. Case No.228 of 2016 which she initiated before the learned Judicial Magistrate (1st Class), Additional Court, Hooghly (Sadar). Records reflect that in respect of judgement and

order of conviction in C.R. Case No. 228 of 2016, an appeal was preferred before the learned sessions court by the present petitioner. The same was numbered as Criminal Appeal No. 11 of 2020 and was finally heard out by the learned Additional Sessions Judge, 1st Court, Hooghly wherein the appellate court was pleased to dismiss the criminal appeal.

Having regard to the report so submitted by the police authorities and the change in circumstances that an amicable settlement has been arrived at between the parties and the complainant do not intend to pursue with the proceedings under Section 138 of the Negotiable Instruments Act after being satisfied with the amount she received, I am of the view that all the proceedings relating to C.R. Case No. 228 of 2016 and Criminal Appeal No. 11 of 2020 wherein the learned Judicial Magistrate (1st Class), Additional Court, Hooghly (Sadar) was pleased to convict and sentence the present petitioner and the learned Additional Sessions Judge, 1st Court, Hooghly was pleased to dismiss the appeal be deemed to be quashed. Petitioner if on bail be discharged from the bail bonds.

Consequently, the revisional application being CRR 1824 of 2024 is allowed.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)