

24.04.2024

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CRR 2261 of 2008

In the matter of : Parul Saha.

.... Petitioner.

The report filed by the Officer-in-Charge, Jadavpur Police Station as well as Officer-in-Charge, New Alipore Police Station, Kolkata dated 06.04.2024 and 18.04.2024 respectively be kept on record.

Despite service of notice, none appears for the parties.

The instant revisional application has been filed against the judgment and order dated 9th May, 2008 passed by the learned Additional District and Sessions Judge, Fast Track Court VI, Alipore, South 24 Parganas in Criminal Appeal No. 31 of 2006 acquitting the opposite party No.2 and 3 reversing the judgment and order of conviction and sentence passed by the learned Judicial Magistrate, First Class, Fast Court at Alipore dated 10th May, 2006 in B.G.R. Case No. 559/03 corresponding to T.R. No. 378/03 convicting the opposite party No. 2 and 3 for offences punishable under Sections 420/34 of the Indian Penal Code sentencing them to suffer imprisonment for two and half years of R.I. and fine of Rs. 2,500/- only each in default to undergo another six month of rigorous imprisonment.

Perused the petition as well as the impugned judgment.

It appears that the petitioner and the opposite parties entered

into an agreement concerning sale of a property whereby a registered sale deed was executed and the certain amount was paid to that effect. The balance amount of Rs. 9.22 lakh was yet to be paid within couple of weeks. At one point of time both the parties agreed to enter into an amicable settlement. The aforesaid Additional District and Sessions Judge has rightly concluded that the complainant/petitioner was not induced to deliver any property or money to the accused/opposite parties. There was a relationship between the parties in terms of transacted amount. The element of inducement at the inception for wrongful gain is absent. The ingredients to constitute the offence punishable under Section 420 of the Indian Penal Code are absent.

Accordingly, this court is not inclined to interfere with the impugned order.

Accordingly, the instant revisional application is dismissed.

The lower court records sent down to the trial court forthwith.

Copy of the order be sent to the Department as well as trial court for due compliance.

(Ananya Bandyopadhyay, J.)