

19.04.2024
27
Ct. No. 33
cm

**C.R.R. 2345 of 2007
With
CRAN 3 of 2024**

In Re. Utpal Bose

... petitioner

Mr. Prabir Majumdar
Mr. Suranjan Mondal

... for the petitioner

Mr. Anuj Singh
Mr. Arun Kumar Singh
Ms. Aman Agarwal

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

In Re: CRAN 3 of 2024

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

In paragraph Nos. 2 to 6 of the joint compromise application, it is stated that the matter has been amicably settled by and between the parties.

The opposite party No. 1 states that he has received Rs.60,000/- including the cheque amount of Rs. 15,000/- only, compensation amount of Rs. 25,000/- together with other settled charges from the petitioner by way of Demand Draft

being No. 995945 dated 26th March, 2024 drawn on SBI, Lake Gardens Branch, Kolkata – 700045.

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 Metropolitan Magistrate, 7th Court at Calcutta in Case No. C.1871/1999 thereby holding the appellant guilty of the offence under Section 138 of the Negotiable Instruments Act and sentencing him to suffer simple imprisonment for one month and further directing him to pay compensation of Rs. 25,000/- to the opposite party No. 1 which was dismissed by the learned Chief Judge, City Sessions Court at Calcutta, in Criminal Appeal No. 86 of 2006 are set aside. The petitioner i.e. **Utpal Bose** is acquitted accordingly and set at liberty.

This criminal revision application being CRR 2345 of 2007 along with CRAN 3 of 2024 are disposed of.

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

(Ananya Bandyopadhyay, J.)