

22.05.2024
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CRR 3004 of 2011
With
CRAN 1 of 2024

In the matter of : Amitava Paul.

.... petitioner.

Mr. Sujoy Sarkar
Mr. Prasun Mukherjee

... for the petitioner

Mr. Narayan Prasad Agarwala
Mr. Shambhu Prasad Chowdhury

... for the opposite party No.2

In Re: CRAN 1 of 2024

A compromise application dated 17th May, 2024 mentions the dispute between the parties to have been resolved and the amount of Rs. 45,000/- has been paid in cash by the petitioner. The sum of Rs. 27,500/- has been paid in cash to the opposite party No.2 and a sum of Rs. 17,500/- which has been deposited before the trial court in two installments, based on the averments made in Paragraphs 12, 13 and 14 of the aforesaid compromise application.

Accordingly, opposite party No.2 being the de-facto complainant, is not willing to continue with the pending proceedings and prayed for appropriate order to set aside the judgment and order passed by the learned Additional Sessions Judge, Fast Track 1st Court, Bichar Bhawan, Calcutta in Criminal Revision No.60 of 2011 and the learned 6th Metropolitan Magistrate, Calcutta in connection with Complaint Case No. 399 of 2007 (T.R. No. 655 of 2007) under

Section 138 of the Negotiable Instruments Act, 1881 in terms of the amicable settlement arrived between the parties.

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.

The opposite party No.2 is at liberty to withdraw the deposited amount before the trial court.

In view of the compromise, the conviction and sentence passed by the learned 6th Metropolitan Magistrate, Calcutta in connection with Complaint Case No. 399 of 2007 (T.R. No. 655 of 2007) under Section 138 of the Negotiable Instruments Act, 1881 which has been confirmed by the Additional Sessions Judge, Fast Track 1st Court, Bichar Bhawan, Calcutta in Criminal Revision No.60 of 2011 are set aside. The petitioner i.e. Amitava Paul is acquitted accordingly and set at liberty.

This criminal revision application being CRR 3004 of 2011 along with CRAN 1 of 2024 are disposed of as above.

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

(Ananya Bandyopadhyay, J.)