

05.10.2024
A.Bhar
SL. No. 2

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELALTE SIDE

CRR-3613 of 2024

Utpal Halder
-Versus-
The State of West Bengal & Anr.

Mr. Atis Kumar Biswas,
Mr. Amit Sinha. ...for the petitioner.

Mr. Arijit Ganguly, ...for the State.
Mrs. Jyoti Agarwal.
....for the O.P. No.2.

This Revisional Application is directed against the Judgment and Order dated 19th June 2024, passed by Learned Additional District and Sessions Judge Fast Track Court II Krishnanagar Nadia in connection with Criminal Appeal No. 1 of 2021 arising out of the Judgment and Order of Conviction dated 4th January 2021 passed by the Learned Additional Chief Judicial Magistrate Nadia Krishnanagar in CR. Case No. 296/2016 under Section 138 of Negotiable Instruments Act 1881.

A proceeding under Section 138 of the Negotiable Instrument Act instituted by the opposite party no-2 against the petitioner before the Learned Chief Judicial Magistrate Krishnagar Nadia, being CR-case No-296/2016. By Order dated 4th January 2021, Learned Chief Judicial Magistrate was pleased to dispose of CR. Case No.296 of 2016 by convicting the petitioner and sentencing him to suffer simple imprisonment for four months along with fine

of Rs. 500,000/- (Rupees five lac only) in default to suffer simple imprisonment for another three months. The petitioner being aggrieved by the Order passed by the Learned Trial Court preferred an Appeal before the Learned Sessions Judge Nadia which was transferred to Learned Additional District and Sessions Judge Fast Track Court II Krishnagar Nadia being Criminal Appeal No-1 of 2021. By order dated 19th June 2024 the Learned Appellate Court dismissed the Appeal by confirming the Order dated 4th January 2021 passed by Learned Chief Judicial Magistrate Nadia in CR. No-296 of 2016.

The petitioner being aggrieved by the order dated 19th June 2024 passed by Learned Additional District and Sessions Judge Fast Track Court II Krishnanagar Nadia in Criminal Appeal No-1 of 2021 has come up with the instant Revisional Application.

During pendency of the Revisional Application the petitioner and the opposite party no-2 settled their dispute by entering into a Memorandum of understanding. Upon entering into memorandum of understanding both petitioner and opposite party no-2 have filed Joint Petition for compromise praying for quashing of the Order dated 4th January 2021 passed by the Learned Chief Judicial Magistrate, Nadia at Krishnanagar in C.R. Case No. 296 of 2016.

Upon perusing the Memorandum of understanding entered into between the petitioner and opposite party no-2

it appears that the petitioner has already paid the disputed amount to the opposite party no-2 and opposite party no-2 upon being satisfied has agreed to this Revisional Application being allowed and the petitioner being acquitted from the charge made in CR. Case No. 296 of 2016 before the Learned Chief Judicial Magistrate at Nadia.

Heard Learned Advocate for the Petitioner and Learned Advocate for the opposite parties. Perused the petition for compromise and the memorandum of understanding. Upon hearing the Learned Advocates and upon perusing the petition of compromise no terms appear to be contrary to the provisions of any law, neither the terms appear to be against public policy. Thus considering the nature of the offence and the terms of compromise this Court is of the view that in the interest of justice and to prevent abuse of the process of Court this petition of compromise should be allowed.

Thus the joint petition for compromise being CRAN 1 of 2024 stands allowed. The Revisional Application stands disposed. As the matter is settled between the petitioner and opposite party no-2. CR. Case 296/2016 before Learned Chief Judicial Magistrate Nadia is quashed. The petitioner stands acquitted in CR-296 of 2016 before Learned Chief Judicial Magistrate Nadia. The Order of Learned Additional District and Sessions Judge Nadia dated 19th June 2024 passed in Criminal Appeal No. 1 of 2021 directing the petitioner to surrender within 8 weeks and to

deposit the fine amount and the warrant of arrest issued against the petitioner by Learned Trial Court are accordingly set aside.

(Biswaroop Chowdhury, J.)