

11.09.2024

Sl.No. 21

Ct. 32

Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 2840 of 2017

With

CRAN 1/2017 (Old CRAN 4228/2017)

Dinesh Chandra Roy

Vs.

Tapash Sarkar and anr.

Ms. Faria Hossain

Ms. Mamata Jana.....for the State

1. Nobody appears on behalf of the petitioner on call, no accommodation sought for.
2. It appears that in spite of service of administrative notice, no one represented on behalf of the petitioner.
3. This case pertains to the year 2017.
4. The petitioner has filed this application under sections 401 and 482 of the Criminal Procedure Code, 1973 challenging the judgment and order dated 28.07.2017 passed by learned Sessions Judge, Dakshin Dinajpur at Balurghat in Criminal Appeal No. 4 of 2017 whereby affirming the judgment and order dated 8.2.2017 passed by learned Judicial Magistrate, 1st Court at Balurghat, Dakshin Dinajpur in C.R. Case no. 81 of 2013/T.R no. 629 of 2013 convicting the accused petitioner under section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for one year and also to pay Rs. 13,00,000/-as compensation to the complainant/opposite party no. 1, in default, to suffer

simple imprisonment for three months. However, this court after hearing has suspended the sentence on condition that the petitioner shall appear before the trial court within a fortnight from date and deposit a sum of Rs. 3,00,000/- in addition to the sum of Rs. 2,00,000/- has already deposited with the trial court and upon appearance he shall be released on bail till the disposal of the application. In the event the petitioner fails to appear before the trial court as aforesaid and deposit the sum within the stipulated period the interim order shall stand automatically vacated without reference to this court.

5. Time for depositing aforesaid amount was further extended vide order dated 13.01.2020 for a period of six weeks from that date and further directed to deposit another sum of Rs. 3 lakhs without prejudice before the trial court within three weeks from this date. It was also directed by the Co-ordinate Bench that the complainant shall be at liberty to withdraw the said sum of Rs. 3 lakhs from the learned trial court. However, the payment will be subject to the final decision of this court in the revisional application.
6. Thereafter several dates were fixed. But no one appears on behalf of the petitioner. Even receiving the administrative notice, no steps have been taken from the side of the petitioner, no accommodation sought for.

7. In view of the above facts and circumstances, it appears that the petitioner is no more interested to pursue with the instant case.
8. Accordingly, **CRR 2840 of 2017** is dismissed for default.
9. Consequently the application **CRAN 1/2017 (Old CRAN 4228/2017)** is thus disposed of.
10. Interim order, if any, stands vacated.
11. Let a copy of this order be communicated to the learned court below immediately for information and taking necessary action in accordance with law.
12. All parties are to act in terms of the copy of this order downloaded from the official website of this court.
13. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)