

C.R.R. 3801 of 2016
Swapan Kapri
Vs.
Parbati Kumar Goswami

Ms. Bratati Dutta

...For the Petitioner

Mr. Swapan Kumar Mallick
Mr. Arup Kundu

...For the Opposite Party

Information slip filed by the petitioner is kept with the record.

This application has been filed challenging the order passed by the Court below in Criminal Appeal No. 1 of 2015 by which the Court below affirmed the order of conviction passed by the Trial Court. While passing order of conviction in Complaint Case, No. 258C of 2009 Trial Court was pleased to sentence the petitioner/accused to pay Rs. 1,90,000/- (Rupees one lakh ninety thousand) under Section 357(1) of the Criminal Procedure Code, out of which Rs. 1,80,000/- (Rupees one lakh eighty thousand) is to be paid to the complainant towards compensation under Section 357(1)(b) of the Criminal Procedure Code.

The petitioner herein submits that he has already deposited the entire amount of Rs. 1,90,000/- before the Court below.

Learned Counsel appearing on behalf of the complainant/opposite party submits that a liberty may be given to him to withdraw the said amount from the Trial Court and upon such withdrawal, further liberty may be given to him to compound the offence before the Trial Court.

In such view of the matter, the present application, being

C.R.R. 3801 of 2016 is hereby disposed of giving liberty to the opposite party herein to withdraw Rs. 1,80,000/- from the Trial Court as ordered by the learned Judicial Magistrate, 4th Court, Bankura in his judgment dated 18th December, 2014. Upon such withdrawal, liberty is also given to the complainant/opposite party herein to make a prayer before the Trial Court for compounding of offence and in the event of filing such application by the complainant under Section 147 of the Negotiable Instrument Act read with section 320 of the Criminal Procedure Code, the Court below will dispose of such prayer in accordance with law.

(Ajoy Kumar Mukherjee, J.)