

05.12.2025

Court No.34

Item.2

sg

CRR 2554 of 2022

In the matter of: **Sk. Abdul Kalam**

...Petitioner.

Mr. Satarup Purkayastha

Mr. Santi Ranjan Hazra

...for the petitioner.

Mr. Saunavo Basu

...for the O.P.

1. In this case the order of conviction passed by the learned Magistrate was affirmed by the learned Appellate Court. In the decision of ***M/s. Meters and Instruments Pvt. Ltd.-vs-Kanchan Mehta 2018(1) SCC 560*** it was held that an offence u/s 138 of N.I. Act in a Civil wrong and has been made compoundable by Section 147 of the N.I. Act which was inserted in 2002 amendment.

In ***B.V.Seshaiah -vs- State of Telangana & Anr.(2023) SCC Online SC 96*** this Court was of the view that when the parties enters into an agreement and compound the offence they do so to save themselves from the process of litigation and when such Act is taken the law very well allows themselves so.

2. In terms of direction passed by this Court on 3rd December, 2025 learned advocate representing the opposite has handed over the written instruction to him by the defacto-complainant whereby it has been expressed since the matter has been settled between

the parties and he has received the amount, he has no objection if the order of conviction is set aside. The said letter be kept with the record.

1. In the light of the above discussion and the law in this regard this Court is of considered view that this criminal revisional application is liable to be disposed of. Hence, as a consequence the impugned order of conviction has passed by the learned Appellate Court affirming the order of conviction passed by the learned Magistrate is hereby quashed. The petitioner is acquitted from the charges leveled against him. All pending applications stands disposed of.

2. It is further submitted that at the time of admission before this Court direction was given to present petitioner to deposit sum of Rs.15,000/- in compliance to the same said amount was deposited on 16th June, 2023 in the peremptory cash of the learned Judicial Magistrate, 4th Court, Burdwan.

3. Accordingly petitioner is given liberty to withdraw the said amount after complying the said formality.

4. This receipt be kept with the record.

5. Copy of the order be communicated to the concerned court for taking necessary action.

(Chaitali Chatterjee (Das), J.)