

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 3928 of 2025

With

CRAN 1 of 2025

Ashoke Jana

Vs.

Santu Bera & Anr.

For the petitioner : Mr. Dhananjay Banerjee
Mr. Samrat Chowdhury

For the O.P. No. 1 : Ms. Sonali Das

Heard on : 18.09.2025

Judgment on : 18.09.2025

Jay Sengupta, J.: Leave is granted to correct the cause title.

This is an application for setting aside the judgment and order dated 19.5.2023 passed by the learned Additional Sessions Judge, Ghatal, Paschim Medinipur in Criminal Appeal No. 8 of 2023 arising out of Case no. 46C of 2022 under Section 138 of the Negotiable Instruments Act thereby affirming the conviction and sentence passed on 28.8.2023 and for quashing of the entire proceeding on the ground of settlement and compromise.

Learned counsel appearing for the petitioner submits as follows. The conviction of the petitioner on a charge under Section 138 of the Negotiable Instruments Act was affirmed by the appellate Court. However, a settlement and compromise has now been arrived at between the private parties of all disputes that had led to the filing of the instant complaint. All due payments have been made in this regard and a joint compromise application has been filed. Accordingly, the conviction and sentence may be set aside on the ground of settlement and compromise. Reliance is placed on a decision of the Hon'ble Supreme Court in ***Gian Chand Garg versus Harpal Singh & Anr. passed on 11th August, 2025 in SLP (Criminal) No. 8050 of 2025.***

Learned counsel appearing for the complainant supports such contention of the petitioner and submits that a settlement and compromise has been arrived at between the private parties and due sums have been paid. As such, the impugned conviction and sentence may be set aside on the ground of settlement and compromise.

It appears that the dispute that had led to the filing of the complaint case under Section 138 of the Negotiable Instruments Act has been settled and compromised and necessary payments have been made.

Such settlement and compromise can be arrived at any stage of the proceeding according to Section 147 of the Negotiable Instruments Act.

In view of the above and in the interest of justice, the impugned conviction and sentence passed against the petitioner is set aside on the ground of settlement and compromise.

With the aforesaid observations and directions, the revisional application and the joint compromise application are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)