

01.08.2025
Sl.No. 11-12
Ct. 23
Amalranjan

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3498 of 2019
With
CRAN 3/2025

Manoj Kumar Beria
Vs.
The State of West Bengal and Anr.

With

CRR 3499 of 2019
With
CRAN 3/2025

Manoj Kumar Beria
Vs.
The State of West Bengal and Anr.

Mr. Karan Dudhwewala
.....for the petitioner

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Soumya Basu Roy Chowdhury
.....for the o. p. no. 2

Re: **CRAN 3/2025 & CRAN 3/2025**

1. A final report of the mediator together with the Memorandum of Settlement dated 31st day of July, 2025 has been placed before this Court from the Office of the Mediation Centre, High Court, Calcutta is taken on record.
2. The petitioner and opposite party no. 2 have jointly filed compromise applications in both the revisional applications being **CRAN 3/2025 & CRAN 3/2025** in terms of Settlement praying for setting aside the Judgment

and Order dated 30.09.2019 passed in Criminal Appeal No. 5 of 2018 and Criminal Appeal No. 6 of 2018.

3. Having heard the submission of the parties and on perusal of the final report of the mediator as well as the joint compromise applications, it appears that both the parties have arrived at a settlement in the mediation process after the intervention through the mediation process and filed a joint compromise application on behalf of the parties.
4. They have also signed a Memorandum of Settlement and learned counsel representing the opposite party no. 2 concedes before this Court that she has already received full and final settlement amount.
5. It is pertinent to mention that the two revisional applications have been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 challenging against the judgment and order dated 30.09.2019 passed by the Court of the Learned Additional Sessions Judge, 2nd Court, Howrah in connection with Criminal Appeal No. 05 of 2018, dismissing thereby the aforesaid appeal and affirming the judgment and order dated 11.12.2017 passed by the Learned Judicial Magistrate, 2nd Court, Howrah in connection with Complainant Case No. 87C of 2016 (TR No. 99/2016) under Section 138 of the Negotiable Instruments Act, 1881 thereby sentencing the petitioner to suffer simple imprisonment till the rising of the Court and further directing him to pay a fine of Rs. 15,00,000/- and, in

default, to suffer simple imprisonment for a further period of six months and also directed that the realized amount of fine be paid to the complainant in view of the provisions of Section 357(1)(b) of the Cr.P.C. and another revisional application being CRR 3499 of 2019 filed by the petitioner challenging the judgment and order dated 30.09.2019 passed by the Court of the Learned Additional Sessions Judge, 2nd Court, Howrah in connection with Criminal Appeal No. 06 of 2018, dismissing thereby the aforesaid appeal and affirming the judgment and order dated 11.12.2017 passed by the Learned Judicial Magistrate, 2nd Court, Howrah in connection with Complaint Case No. 51C of 2016 (TR No. 52/2016) under Section 138 of the Negotiable Instruments Act, 1881 thereby sentencing the petitioner to suffer simple imprisonment till the rising of the Court and further directing him to pay a fine of Rs. 15,00,000/- and, in default, to suffer simple imprisonment for a further period of six months and also directed that the realized amount of fine be paid to the complainant in view of the provisions of Section 357(1)(b) of the Cr.P.C.

6. This Court feels there is no need to keep these criminal applications pending any further, when the matters have been settled and, furthermore, there is no impediment to allow the prayer for settlement when the case is compoundable in nature.
7. The Hon'ble Supreme Court held in the case of **B. V. Seshaiiah -versus- The State of Telengana & Anr.**

reported in **(2023) 18 SCC 512** that the Petitioner cannot be convicted on the basis of the orders passed by the Courts below, as the settlement is nothing but a compounding of the offence as permitted by the statute.

8. In view of the above facts and circumstances of the case, both the revisional applications being **CRR 3498 of 2019** and **CRR 3499 of 2019** are, thus, disposed of.
9. Consequently, both the applications being **CRAN 3/2025** as well as **CRAN 3/2025** are, thus, disposed of.
10. Judgment and Order dated 30.09.2019 passed in the aforementioned cases by the Learned Additional Sessions Judge, 2nd Court, Howrah stand quashed and Judgment and Order dated 11.12.2017 passed by the Learned Judicial Magistrate, 2nd Court, Howrah in connection with Complaint Case No. 87C of 2016 (TR No. 99/2016) and Complaint Case No. 51C of 2016 (TR No. 52/2016) under Section 138 of the Negotiable Instruments Act, 1881 respectively are hereby set aside.
11. Interim order, if any, stands vacated.
12. Let the order be communicated to the Ld. Court below for information.
13. All parties shall act in terms of the copy of this order downloaded from the official website of this Court.
14. Urgent photostat certified copy of this order, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J.)