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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./549/2019

ANUDH BORAH
S/O LT ROBIN BORAH, PROPRIETOR OF M/S NIRMALI ENTERPRISE.
DULIAJAN OIL HOUSING AREA, TYPE C- 44, P.O. DULIAJAN, DIST.
DIBRUGARH, ASSAM

VERSUS

MUNIN GOHAIN AND ANR.
S/O SRI SHEKHAR NATH GOHAIN, R/O DULIAJAN, KAMALABARI ROAD,
P.O. AND P.S. DULIAJAN, DIST. DIBRUGARH, ASSAM

2:THE STATE OF ASSAM
REP.BY THE PP
ASSA

Advocate for the Petitioner : MR. A CHAUDHURY, MD R ALI,MR. A KHAN,MR. D BORA

Advocate for the Respondent : MR A V SINGH, MR W R MEDHI,MR P R BORA

BEFORE

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

10/11/2026

Heard Mr. D Bora, learned counsel for the petitioner and Mr. W R Medhi, learned counsel for the respondent No. 1.

2. The petitioner has instituted the present criminal revision petition aggrieved by the judgment & order dated 01.07.2019, passed by the learned Additional District & Sessions Judge, Dibrugarh in Crl. A. No. 1(1)/2017, affirming the judgment & order dated 14.12.2016, passed by the learned Trial Court, but enhancing the fine amount to Rs.4,94,000/- (Rupees Four Lakhs Ninety Four Thousand), in default, to suffer Rigorous Imprisonment for 1 (one) year under Section 138 of the NI Act.

3. The facts in brief requisite for adjudication of the issue arising in the present criminal revision petition is noticed as under.

The respondent No. 1, herein, had instituted a complaint case, being C.R. Case No. 299^{C}/2009, invoking the provisions of Section 138 of the NI Act, inter-alia, raising a grievance with regard to the dishonor of a cheque for an amount of Rs.2,47,000/- (Rupees Two Lakhs Forty Seven Thousand) issued by the petitioner, herein, in satisfaction of a liability.

The learned Trial Court on conclusion of the trial in the matter, appreciating the evidences coming on record, proceeded to allow the complaint case and convicted the petitioner, herein, under Section 138 of the NI Act, 1881 and sentenced him to pay an amount of Rs.3,47,000/- (Rupees Three Lakhs Forty Seven Thousand), in default, to undergo Simple Imprisonment for 6 (six) months.

The petitioner being aggrieved by the judgment & order dated 14.12.2016,

assailed the same by way of instituting an appeal, being Crl. A. No. 1(1)/20017 before the Court of learned Sessions Judge, Dibrugarh. The said appeal was endorsed to the Additional District & Sessions Judge, Dibrugarh for disposal.

The Appellate Court upon considering the issues arising before it in the matter and also appreciating the evidences coming on record during the trial, proceeded vide judgment & order dated 01.07.2019 to uphold the conviction of the petitioner, herein, however, after upholding of such conviction, the learned Appellate Court proceeded to modify the sentence awarded by the learned Trial Court and enhanced the amount required to be paid as fine by the petitioner to Rs.4,94,000/- (Rupees Four Lakhs Ninety Four Thousand), in default, the petitioner was directed to be sentenced to suffer Rigorous Imprisonment for 1 (one) year.

Being aggrieved, the petitioner has instituted the present proceeding.

4. The learned counsel for the petitioner, at the outset, has submitted that the judgment & order dated 01.07.2019, passed by the learned Appellate Court to the extent that the enhances fine imposed by the learned Trial Court upon the petitioner would mandate an interference from this Court. The said submission is not disputed by the learned counsel for the respondent.

5. The learned counsel for the parties have submitted that the judgment & order dated 14.12.2016, including the sentence awarded therein, by the learned Trial Court to the petitioner be maintained.

6. In view of the above consensus arrived at in the matter by the learned counsel for the parties, this Court without further discussion proceeds to interfere with the impugned judgment & order dated 01.07.2019, passed by the learned Appellant Court in Crl. A. No. 1(1)/2017.

7. Having interfered with the judgment & order dated 01.07.2019, passed by the

learned Appellate Court, this Court affirms the judgment & order dated 14.12.2016, passed by the Court of the learned Additional Chief Judicial Magistrate, Dibrugarh in C.R. Case No. 299^{C}/2009.

8. Mr. Bora, learned counsel for the petitioner submits that the fine amount as awarded by the learned Trial Court would be deposited by the petitioner within a period of 30 (thirty) days from today.

9. With the above observations and directions, the present criminal revision petition stands disposed of.

JUDGE

Comparing Assistant