

30.06.2026
Item No.9
Ct.No.35
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRA (SB) 123 of 2024
with
CRAN 1 of 2026

Mr. Anish Shaw
versus
Mr. Ananda Baur and others

Ms. Jharna Biswas	... For the Appellant.
Mr. Sagar Saha	... For the State.
Mr. Abhilash Chatterjee, Ms. N. Parveen	... For the Respondent No.1.
Mr. Atis Kumar Biswas, Mr. Amit Singh	... For the Respondent No.2.

The appellant has approached this Court challenging the order passed by learned Judicial Magistrate, 1st Court, Howrah in connection with Complaint Case Nos. 295C/2021, 296C/2021 and 297C/2021 wherein after mediation, compromise was arrived between the parties which would be reflected from the judgement and order passed by the learned Judicial Magistrate. It is the contention of the appellant that after such conditional order was passed by the learned Judicial Magistrate, no payment was made to the complainant by the accused persons.

Having considered the factum that the complainant/appellant has been pursuing the litigation and now the accused/respondents are approaching before this Court with flea bite instalment amount, I am of the opinion that in the interest of justice the order of compromise be set aside.

Accordingly, the judgement and order dated 02.08.2022 passed by the learned Judicial Magistrate, 1st Court, Howrah in all the three complaint cases is hereby set aside.

If the parties want to settle the dispute on fresh terms and conditions or proceed on the merits of the case, it would be the learned Magistrate who would decide the same in accordance with law.

The complainant and the accused/respondents are directed to appear before the learned Judicial Magistrate, 1st Court, Howrah on 29.07.2026.

So far as the processes which have been issued by this Court till the accused persons/respondents appear before the learned Judicial Magistrate, the same would be having its force.

With the aforesaid observations, the appeal being CRA(SB) 123 of 2024 is allowed.

Pending connected application is consequently disposed of.

Report submitted by the learned advocate appearing for the State be kept with the record.

Lower court records be sent down to the court of the learned Judicial Magistrate, 1st Court, Howrah immediately.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)