

Order No. 21  
Dated 31.03.21

Today is fixed for further hearing.

Ld lawyer for the contesting parties are present.

Both ld lawyers submit that as the parties have settled their dispute amicably, so, the petition of compromise dated 15.02.2020 jointly filed by them should be allowed and the instant Criminal Appeal should be disposed of.

Perused the materials on record. Considered.

It appears that in the joint petition, the parties have contended that they have settled their dispute in this case. As submitted by ld lawyers for the contesting parties, the compromise has been reached between the concerned parties in their presence after the judgment of conviction and sentence was passed by ld Trial Magistrate.

In view of phraseology of 147 of the N. I. Act, a case for offence punishable u/s 138 of the Negotiable Instruments Act can be compromised at any stage. So, there appears no impediment for the concerned parties to enter into a lawful settlement even after the appellant has been convicted by the ld Trial Court therein. The contents of the petition of compromise dated 15.02.2020 are supported by the sacrosanct force of affidavits sworn by both the parties.

In view of the above facts and circumstances and in compliance with the observation of the Hon'ble Supreme Court of India in the decision reported in (2004) 4 SCC 366, the instant Criminal Appeal should be disposed of on compromise between the parties.

Hence, it is -

ORDERED

that the compromise petition dated 15.02.2020 filed by the appellant and the respondent no. 1, jointly stands allowed.

The instant Criminal Appeal stands allowed in terms of compromise petition dated 15.02.2020 filed by the appellant and respondent no. 1.

Judgment of conviction and sentence dated 06.12.2018 passed by ld Judicial Magistrate, 6<sup>th</sup> Court, Bankura, in Complaint Case No. 213C/ 2015 is hereby set aside in view of the fact that the dispute between the parties has been settled in terms of section 147 of the Negotiable Instruments Act.

Let a copy of this order along with LCR be sent to the ld Court below.

Dictated & Corrected

A.S.J., 2<sup>nd</sup> Court, Bankura.

Addl. Sessions Judge, 2<sup>nd</sup> Court, Bankura