

GAHC010012442013



undefined

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

Case No. : Crl.Rev.P./427/2013

SUJIT KUMAR RAI
S/O- SRI GANESH PRASAD RAI, R/O- BIRUBARI, GHY- 16, P.S.-
PALTANBAZAR, DIST.- KAMRUP, ASSAM.

VERSUS

ALLAHABAD BANK
RETAIL BANKING BOUTIQUE, PANBAZAR BRANCH, PANBAZAR, GHY- 1,
REP. BY SRI DEBA KANTI DUTTA, OFFICER OF THE BANK

Advocate for the Petitioner : MR.M P SARMA, MS.B M CHETRI,MR.N DUTTA,MR.J
ALI,MR.S SHARMA

Advocate for the Respondent : , ,MR.R K BHATRA,MR.K K BHATRA,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 25-09-2025

None appears for the petitioner on call.

Ms. A. Biyani, learned counsel appearing on behalf of Mr. R.K. Bhatra, learned
counsel for the respondent is present.

The present revision petition has been instituted by the petitioner, herein, assailing the judgment dated 28-01-2013 passed in CR Case No. 6467/2006, by the learned Sub-Divisional Judicial Magistrate (S) No. 2, Kamrup, convicting the petitioner under Section 138 of NI Act and sentencing him to undergo simple imprisonment for 02 (two) months and to pay a fine of Rs. 50,000/- (Rupees Fifty Thousand) only. The petitioner has also assailed the judgment dated 03-08-2013 passed by the learned Addl. Sessions Judge No. 2, Kamrup in Crl. Appeal No. 46/2013, partly allowing the appeal by upholding the conviction, but modifying the sentence as passed by the learned Trial Court.

The Appellate Court vide judgment dated 03-08-2013 while upholding the conviction of the petitioner, herein, had modified the sentence passed by the learned Trial Court. The sentence upon modification by the learned Appellate Court, now reads as under;

“the accused appellant is sentenced to pay a fine of Rs. 5000/- (Rupees Five Thousand) only, in default to suffer simple imprisonment for 01 (one) month for the offence under Section 138 NI Act, in addition to the amount of compensation awarded by the learned Trial Court for the offence under Section 138 NI Act”

The modified sentence as applicable in respect of the petitioner, now requiring him to pay the compensation amount as awarded by the learned Trial Court, on the last date of listing, this Court had required the learned counsel for the respondent, to receive instruction as to whether the same has been paid by the petitioner, herein, to the respondent/ Bank. Today, Ms. Biyani, learned counsel for the respondent has submitted that the petitioner in the meanwhile had cleared the due receivable by the Bank and accordingly, the compensation as awarded by the learned Trial Court has already been

paid by the petitioner, herein.

In view of the above position, this Court directs the petitioner, herein, to appear before the court of learned SDJM(S) No. 2, Kamrup and to deposit the fine amount of Rs. 5000/- (Rupees Five Thousand) only, as awarded by the learned Appellate Court, vide judgment and order dated 03-08-2013 in Crl. Appeal No. 46/2013, within a period of 02 (two) months from today.

In the event the fine amount awarded by the learned Appellate Court is not deposited by the petitioner, herein, before the learned Trial Court, the petitioner is to suffer simple imprisonment for 01 (one) month for the offence under Section 138 of NI Act. The learned Trial Court shall monitor the compliance of the directions passed in the matter by the learned Appellate Court vide Judgment dated 03-08-2013.

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

JUDGE

Comparing Assistant