

GAHC010032882024



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

Case No. : Crl.Rev.P./61/2024

SAMARENDRA BRAHMA
S/O LATE AMARENDRA BRAHMA
VIL- THURIBARI (PADMABIL)
P.O. AFLAGAON, P.S. SARFANGURI
DIST. KOKRAJHAR (BTR), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SRI DEVAMANI BASUMATARY
D/O DIPTI KR. BASUMATARY
VIL- THURIBARI (PADMABIL)
P.O. AFLAGAON
P.S. SARFANGURI
DIST.KOKRAJHAR (BTR)
ASSA

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA,MS. A BORUAH

Advocate for the Respondent : PP, ASSAM, MR. D S DEKA (R-2),MS. A DAS (R-2),MS. L WANGSA (R-2),MRS. R S DEURI (R-2),MR. T DEURI (R-2)

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --22.07.2025

Heard Mr. S. Hoque, learned counsel for the petitioner; Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent no. 1, State of Assam; and Mr. T. Deuri, learned counsel for the respondent no. 2.

2. The respondent no. 2 herein as the complainant had instituted a complaint under Section 138 of the Negotiable Instruments [NI] Act alleging dishonour of a cheque issued for an amount of Rs. 10,00,000/- by the respondent no. 2 and the said complaint was registered as CR [N.I.] Case no. 03/2019 before the Court of learned Sub-Divisional Judicial Magistrate [M], Gossaigaon.

3. After trial, the said complaint case had resulted in a Judgment and Order dated 01.11.2022 by holding the accused therein, that is, the petitioner herein guilty for the offence under Section 138 of the NI Act. The petitioner has been sentenced to undergo simple imprisonment for 6 [six] months and to pay a compensation of Rs. 11,00,000/- to the complainant-respondent no. 2. The appellate Court of learned Sessions Judge, Kokrajhar in Criminal Appeal no. 21/2022 had affirmed the Judgment and Order of conviction and sentence of the Trial Court vide a Judgment dated 15.12.2023. Hence the instant criminal revision petition.

4. Mr. Hoque, learned counsel appearing for the petitioner has submitted that the petitioner is making efforts to compromise.

5. Mr. Deuri, learned counsel appearing for the respondent no. 2 has submitted that the respondent no. 2 is agreeable to receive the compensation amount.

6. In view of the above submission made by the learned counsel for the parties, this Court is of the view that there exists an element of settlement.

7. At present, the campaign – Mediation 'For the Nation' is in progress and the mediation process is to be undertaken as per the Standard Operating Procedure framed for the campaign.

8. As the learned Counsel for both the parties are present, the first date of mediation is, therefore, fixed on 31.07.2025.

9. As per the Standard Operating Procedure for the campaign 'Mediation for the Nation', mediation can be conducted completely in offline mode [physical mode], or in online mode or in hybrid mode.

10. For the purpose of further reference, the parties shall contact the Coordinator/Nodal Officer of the Mediation Centre, Mr. Joydev Koch, Mobile no. 7099063524, Email id – ghcmc.ghc@gmail.com.

11. The Office to list the appeal on a date after receipt of a report about conclusion of the mediation process from the Mediator.

JUDGE

Comparing Assistant