

GAHC010087612022



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

Case No. : Crl.Rev.P./215/2022

ADITYA NARAYAN BYATSHOSH
S/O. D.N. SHARMA, R/O. GARIGAON, P.O. BONGAON BABULIPAR, DIST.
GOLAGHAT, ASSAM, PIN-785611.

VERSUS

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

2:MANARANJAN MANDAL
S/O. RANGLAL MANDAL
R/O. SURAJNAGAR
HOUSE NO.3
DOLJANPATH KHANAPARA
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN-781022

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

17.05.2022

Legality, propriety and correctness of the judgment and order dated 06.04.2022, passed by the learned Sessions Judge, Kamrup Metro, Guwahati, in Criminal Appeal No. 218/2019, is challenged in this petition under Section 397 *read with* Section 482 of the Code of Criminal Procedure, 1973, by the petitioner, namely, Shri Aditya Narayan Byatshosh. It is to be noted here that vide impugned judgment and order dated 06.04.2022, the learned Sessions Judge, Kamrup Metro, Guwahati, has upheld the judgment and order of conviction, dated 11.11.2019, passed by the learned Judicial Magistrate First Class, Kamrup Metro, Guwahati, in C.R. Case No. 2436/2017, whereby, the learned Court below has convicted the petitioner under Section 138 of the Negotiable Instrument Act, 1881, and sentenced him to undergo simple imprisonment for 6 (six) months and also to pay compensation of Rs. 5,00,000/- (Rupees five lakhs) only to the complainant/respondent No. 2 as the total Cheque amount is Rs. 3,15,000/- (Rupees three lakhs fifteen thousand) only.

Heard Mr. K. Rahman, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

Let notice be issued to the respondents, returnable in 4 (four) weeks.

Since Mr. D. Das, learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of State respondent No. 1, no formal notice is required to be issued. However, he shall be provided with requisite

extra-copy of the petition along with relevant annexures appended thereto during the course of the day.

Learned counsel for the petitioner shall take steps for causing service of notice upon respondent No. 2 by registered post with A/D as well as by usual process.

Registry to call for the record from the learned Court below.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant