

24
16.05.2024
Ct. No.3
RS

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction
Appellate Side**

CRR/160/2024

**Paritosh Jayaswal
Versus
Asha Devi and Anr.**

Ms. Suman Sehanabis (Mandal), Adv.
Mr. Salok Sah, Adv.
Ms. Anwasha Chakraborty, Adv.

... for the petitioner

Ms. Suman Sehanabis (Mandal), learned counsel, is appearing for the petitioner.

The petitioner has filed the instant revisional application against the order dated 3rd February, 2024 passed by the learned Additional Sessions Judge, Fast Tract Court at Siliguri.

Initially during the trial the learned Judicial Magistrate, 1st Court, Siliguri had passed judgment directing the accused persons to pay an amount of Rs.4,25,800/- to the complainant. Being aggrieved by the said order of conviction, the complainant has filed an appeal before the learned Additional Sessions Judge, Fast Track Court at Siliguri and the learned Additional Sessions Judge, Fast Tract Court had modified the

judgment by directing the petitioner to pay Rs.8,25,800 instead of Rs.4,25,800/-.

Counsel for the petitioner submits that the learned Judge while modifying the judgment failed to consider the evidence of the witnesses. Petitioner submits that the petitioner is ready to pay Rs.4,25,800/- as the petitioner has not preferred any appeal.

Considered the submission made by the learned counsel for the petitioner.

This Court finds that the petitioner has made out an arguable case. The Criminal Revision No. 160 of 2024 is admitted. As the petitioner has admitted that he is ready to pay an amount of Rs. 4,25,800/- accordingly, the judgment dated 3rd February, 2024 passed by the learned Additional Sessions Judge, Fast Tract Court at Siliguri is stayed subject deposit of an amount of Rs. 4,25,800/- by the petitioner with the Registrar of this Court within a week. The Registrar is directed to invest the said amount in short term fixed deposit.

The petitioner is directed to issue notice upon the respondent.

List the matter before the next available Circuit Bench.

It is found from the record that page numbers 6 to 9 of the original certified copy of the judgment are not enclosed.

The petitioner is given liberty to enclose the page nos. 6 to 9 of the certified copy of the judgment.

(Krishna Rao, J.)