

16.10.2023

Sl. No.:18

Court No.2

Aloke

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side**

**CRR 283 of 2023
with
IA No. CRAN 1 of 2023**

**Jogendra Nath Barman
vs.
Swaraj Sarkar & Anr.**

Mr. Nabankur Paul
Mr. Abhishek Sarkar
... for the petitioner

IA No. CRAN 1 of 2023

Learned counsel for the petitioner moves IA No. CRAN 1 of 2023 for condonation of delay in preferring the revisional application.

Considering the materials on record and in the interest of justice, the application being IA No. CRAN 1 of 2023 for condonation of delay is allowed.

Accordingly, IA No. CRAN 1 of 2023 stands disposed of.

The present revisional application has been preferred against the judgment and order dated 19.12.2022 passed by the Learned Additional Sessions Judge, 2nd Court, Siliguri, Darjeeling in Criminal Appeal No. 16(1)/2019 whereby the order of conviction of the petitioner passed by the Learned Judicial Magistrate, 3rd Court, Siliguri, vide order dated 28.06.2019 in

C.R. Case No. 519 of 2016 under Section 255(2) of the Cr.P.C. for the offence under Section 138 of the Negotiable Instruments Act, 1881.

The revision is to be heard in presence of the learned counsel for the opposite parties.

Accordingly, the petitioner is directed to effect service upon the opposite parties and file affidavit-of-service on the next date of hearing.

Pending hearing, there shall be an interim order of stay on deposit of Rs.7 lakhs (cheque amount) subject to any amount, if any, which has been deposited earlier before the learned Trial Court for a period of eight weeks or until further orders whichever is earlier.

On deposit of the amount as directed the learned trial Court shall consider the prayer for bail of the petitioner in accordance with law.

Liberty to mention.

(Shampa Dutt (Paul), J.)