IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR

CRR 2260 OF 2022

SUBHA DUTTA
-VS-
STATE OF WEST BENGAL AND ANR.

For the Petitioner : Mr. Tapas Kr. Manna

For the Opposite Party No.2 : Ms. Antara Chowdhury

Reserved on : 12.10.2026

Pronounced on : 14.10.2026

UDAY KUMAR, J.: –

1. This criminal revisional application under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "the Code"*) is directed against the judgment and order dated 19th May, 2022 passed *ex-parte* by the learned Additional Sessions Judge, 2nd Fast Track Court, City Sessions Court, Calcutta, in Criminal Appeal No. 104 of 2018. The learned First Appellate Court, by the impugned judgment, dismissed the appeal and affirmed the judgment of conviction and sentence dated 10th August, 2018 passed by the 20th Court of the learned Metropolitan Magistrate, Calcutta, in Complaint Case No. C/19589 of 2013, convicting the petitioner under Section 138 of the

Negotiable Instruments Act, 1881 (*hereinafter referred to as "the N.I. Act"*) and sentencing him to pay a fine of Rs. 9,00,000/- within a period of two months from the date of pronouncement of the said judgment, in default, to undergo simple imprisonment for a period of four months.

2. To comprehensively evaluate the gravamen of the present revision, it is necessary to trace the foundational facts from the very inception of the commercial dispute leading up to the trial court's judgment and the subsequent appellate order. The complainant/Opposite Party No. 2, Supriti Dey, initiated criminal proceedings by filing Complaint Case No. C/19589 of 2013, alleging that she carried on a business of wholesale supply and sale of ready-made ladies' garments under the trade name and style "Supriti Dey". According to the complainant, the petitioner took delivery of ladies' garments on credit for an aggregate amount of Rs. 8,30,885/-. In discharge of the said debt liability, the petitioner issued an Account Payee cheque bearing No. 445267 dated 28.03.2013, for Rs. 8,30,885/-, drawn on ICICI Bank, Gariahat Branch, Kolkata, from an account maintained under the name of his sole proprietorship concern, "Heaven in Town, Tours and Travel". The complainant, when presented the said cheque with her banker at Canara Bank, Chowringhee Branch, Kolkata on the same date, the instrument was returned unpaid with the endorsement "Funds Insufficient" vide return memo dated 30.03.2013. Thereafter, the complainant dispatched a statutory demand notice dated 24.04.2013 via Speed Post with A/D, which was served on the petitioner on 27.04.2013. Upon the petitioner's failure to pay the cheque amount within the statutory timeframe, the

complaint under Section 138 of the N.I. Act was lodged before the Court of the learned Chief Metropolitan Magistrate at Calcutta. The said learned Chief Metropolitan Magistrate, upon taking cognizance, transferred the case records to the 20th Court of the learned Metropolitan Magistrate, Calcutta.

3. The defence case, as disclosed from the examination of the petitioner under Section 313 of the Code and his oral testimony as DW-1 before the learned Trial Court, presents a fundamentally distinct set of foundational facts. The petitioner asserted that he never carried on any garments business, but operated a travel agency under the name "Heaven in Town, Tours and Travels" from a rented office room. He had permitted one Sajal Banerjee, a financial broker dealing in loan arrangements, to temporarily operate from his office. The complainant, Supriti Dey, worked alongside Sajal Banerjee as his associate. The petitioner stated that he had delivered a signed blank cheque bearing the rubber stamp of his travel agency to Sajal Banerjee solely for the purpose of procuring a commercial loan. Sajal Banerjee failed to arrange the loan and refused to return the blank cheque. Shortly thereafter, due to landlord objections regarding Sajal Banerjee's activities, the petitioner asked Sajal Banerjee and the complainant to vacate the premises. Cherishing a grudge, they left the office room while retaining the blank signed cheque of the petitioner and subsequently misused it to file this false complaint. Crucially, the petitioner brought on record before the learned Trial Court that the complainant simultaneously filed three other parallel complaint cases, all bearing

consecutive numbers viz., C/19588/2013, C/19590/2013, and C/19591/2013 against his elder brother, Late Joydeep Dutta, for the exact same aggregate debt liability of Rs. 8,30,885/-, split across three separate cheques (Rs. 2,50,000/-, Rs. 2,50,000/-, and Rs. 3,30,885/-), all bearing the exact same date of 28.03.2013 as in the present case. The said complaint cases have since been dismissed by the learned Trial Court.

4. The trial proceeded before the 20th Court of the learned Metropolitan Magistrate, Calcutta. During the trial, the complainant (PW-1) initially gave evidence-in-chief, and later, upon being recalled on 19.01.2016, produced her trade license (Exhibit 6) and 15 bill vouchers across 6 bill books (Exhibit 7 series). The cross-examination of the complainant on these recalled documents was deferred, and after several dates where the complainant was absent on petition, the trial court noted the closure of cross-examination on 21.11.2016. The learned trial Magistrate, vide judgment and order dated 10th August, 2018, convicted the petitioner and sentenced him to pay a fine of Rs. 9,00,000/- with a default imprisonment sentence, holding that the petitioner admitted his signature on the cheque, failed to reply to the demand notice, and could not rebut the statutory presumption against him under Section 139 of the N.I. Act.

5. Aggrieved by the conviction, the petitioner preferred Criminal Appeal No. 104 of 2018 before the City Sessions Court at Calcutta, which was assigned to the 2nd Fast Track Court of the learned Additional Sessions Judge, City Sessions Court, Calcutta. Following the receipt of the Court

Records in late 2019, regular court operations were disrupted by the post-COVID-19 pandemic period. After resumption of the said criminal proceedings, the petitioner suffered acute financial distress, loss of employment, and severe personal hardship, alongside a communication gap with his advocate. Consequently, neither the petitioner nor his advocate appeared on four consecutive fixed dates: 17.03.2022, 05.05.2022, 13.05.2022, and 19.05.2022. On 13.05.2022, the learned First appellate court noted the non-appearance of both parties and fixed 19.05.2022 for judgment. On 19.05.2022, the learned appellate court proceeded *ex-parte* in the absence of the convict and his counsel, dismissing the appeal on merits and affirming the order of conviction and sentence passed by the learned trial Magistrate.

6. Faced with this *ex-parte* affirmation of sentence and imminent execution of warrant, the petitioner has approached this Court under Section 482 of the Code by filing the present revision. The primary grounds of challenge raised by the petitioner herein are:

I. The First appellate court committed a fatal procedural illegality under Section 386 of the Code by dismissing the appeal against conviction *ex-parte* without issuing administrative notice or appointing an *Amicus Curiae*;

II. The trial court record suffers from perversity as the order sheet entry dated 21.11.2016 regarding the closure of cross-examination of the complainant/opposite party no. 2 is completely illegible and wiped off;

III. The complainant failed to produce basic commercial account books to prove a legally enforceable debt;

IV. The petitioner successfully rebutted the statutory presumption on a standard of preponderance of probabilities; and

V. The First appellate court completely overlooked Ground XIII of the Memorandum of Appeal filed by the petitioner regarding the parallel proceedings initiated on duplicate complaints filed for dishonour of cheque issued on the identical date for the equal amount, as in the present case.

7. Learned counsel for the petitioner, in support of the aforementioned grounds, submitted that while an appeal against conviction cannot be dismissed for default under Section 386 of the Code, deciding it *ex-parte* without providing legal representation violates Article 21 of the Constitution. Reliance was placed on the decisions of the Hon'ble Supreme Court in *Bani Singh & Ors. v. State of U.P., [(1996) 4 SCC 720]*, *K.S. Panduranga v. State of Karnataka*, *[(2013) 3 SCC 721),* and *Md. Sukur Ali v. State of Assam, [(2011) 4 SCC 729]* to contend that the First appellate court was duty-bound to issue notice or appoint legal aid counsel for the appellant/petitioner before confirming a sentence. On the evidentiary aspects, learned counsel, relying on the decisions of the Hon'ble Supreme Court in *M.S. Narayana Menon @ Mani v. State of Kerala & Anr., [(2006) 6 SCC 39]* and *Kumar Exports v. Sharma Carpets*, *[(2009) 2 SCC 513],* to submit that non-production of primary cash

books, ledgers, and stock registers permits an adverse inference against the existence of an enforceable debt. It was further emphasized that the unauthenticated bill vouchers (Exhibit 7 series) bore no receiving signature of the petitioner and displayed overwritten firm names ("JAI BABA LOKNATH" stamped over with "STYLE"), and that filing four parallel complaints against two individuals for the identical liability of Rs. 8,30,885/- by cheques issued on identical dates (28.03.2013) denigrates the credibility of the complaint to a fabricated claim.

8. To the contrary, learned counsel for Opposite Party No. 2 (Complainant) supported the concurrent judgments of conviction passed by the learned Trial Court and the First Appellate Court. It was submitted that the appellate court provided ample opportunity to the petitioner, who repeatedly defaulted, and that under the ratio laid down by a Co-ordinate Bench of this Court in Sri *Sukhomoy Pal Das v. The State of West Bengal & Anr., [2010 SCC OnLine Cal 786]*, an appellate court, despite continued absence of the parties in the proceeding, is legally empowered to dispose of an appeal on merits based on the available records.

9. Learned counsel for the Opposite Party No. 2, regarding the merits of the said impugned order of conviction and sentence passed by the Learned Trial Court, argued that the petitioner, as DW-1, explicitly admitted his signature on the disputed cheque, and under the law laid down by the Apex Court in *Bir Singh v. Mukesh Kumar, [(2019) 4 SCC 197]*, filling up the particulars in a voluntarily handed-over signed blank cheque neither invalidates the instrument nor displaces the

statutory presumption under Section 139 of the N.I. Act. It was further submitted that the 15 bills (Exhibit 7 series) stood unrefuted on record, that the petitioner failed to reply to the statutory demand notice despite receiving it, and that parallel proceedings initiated against a co-accused does not absolve the drawer of a dishonoured cheque from strict statutory liability.

10. Upon a comprehensive examination of the record, the foundational facts, and the rival contentions, the following core questions arise for just and proper determination of this case:

A. Whether the learned First Appellate Court committed a fatal procedural illegality under Section 386 of the Code by disposing of Criminal Appeal No. 104 of 2018 *ex-parte* on merits without issuing administrative notice to the appellant or appointing an *Amicus Curiae* / Legal Aid Counsel to represent the convict/petitioner?

B. Whether the judgment of conviction and sentence passed by the learned trial court is vitiated by perversity and material irregularity due to the illegible order sheet dated 21.11.2016 and the incomplete cross-examination of PW-1 on her recalled evidence?

C. Whether the complainant established the baseline existence of a legally enforceable debt of Rs. 8,30,885/- under Section 138 of the N.I. Act in the absence of primary commercial accounting records and authenticated bill vouchers?

D. Whether the petitioner/accused successfully rebutted the statutory presumption under Section 139 of the N.I. Act on the standard of preponderance of probabilities?

E. What is the legal effect of the simultaneous institution of three parallel criminal proceedings initiated on duplicate complaints by the complainant against a third party for the identical liability on cheques bearing the exact same date?

F. What appropriate relief ought to be granted to the petitioner in the facts and circumstances of the present case?

11. In addressing Question No. (A), this Court is called upon to determine whether the procedural route adopted by the learned First Appellate Court in disposing of Criminal Appeal No. 104 of 2018 *ex-parte* vide order dated 19.05.2022 complies with Section 386 of the Code and the constitutional mandate of Article 21. The record reveals that after the proceedings of the matter were resumed post-lockdown, the petitioner defaulted on four consecutive fixed dates (17.03.2022, 05.05.2022, 13.05.2022, and 19.05.2022). On 13.05.2022, the First appellate court, recording the absence of the parties before it, issued a direction fixing 19.05.2022 for judgment, and on 19.05.2022, proceeded to decide the said appeal against conviction on its merits, in the absence of both parties.

12. Section 386 of the Code provides that the appellate court shall peruse the record and hear the appellant or his pleader if he appears. The legal framework governing the duties of an appellate court when an appellant

or his counsel defaults in appearance has been authoritatively settled by the 3-Judges' Bench of the Hon'ble Supreme Court in *Bani Singh (supra)*, wherein it was held that while a criminal appeal cannot be dismissed for default in absence of appearance of the parties, the court is equally not permitted to decide an appeal against conviction in a vacuum without ensuring legal representation. This principle was re-affirmed and elaborated in *K.S. Panduranga (supra)* and *Md. Sukur Ali (supra)*, wherein it was laid down that if the advocate engaged by a convict/appellant fails to appear, the court is duty-bound either to issue an administrative notice directly to the convict to enforce his personal attendance or to appoint an advocate from the Legal Aid Panel or an *Amicus Curiae* to argue the appeal on behalf of the said convict.

13. In the present case, the learned First Appellate Court placed reliance on the co-ordinate decision of *Sukhomoy Pal Das (supra)* to justify proceeding *ex-parte*. However, the said learned appellate judge fundamentally misdirected herself on the ratio of *Sukhomoy Pal Das (supra)*. Disposing of an appeal against conviction within six days of issuing a show-cause order, without serving administrative notice upon the appellant or appointing an *Amicus Curiae* to press the appeal, strikes at the root of procedural fairness and deprives the convict of his fundamental right to a fair hearing guaranteed under Article 21 of the Constitution. Therefore, Question No. (A) is answered in the affirmative by holding that the learned First Appellate Court committed a fatal procedural illegality under Section 386 of the Code by disposing of Criminal Appeal No. 104 of 2018 *ex-parte* without issuing

administrative notice or appointing an *Amicus Curiae* to represent the convict in the said appeal.

14. Turning to Question No. (B) regarding alleged perversity in the trial court records, this Court has carefully examined the same to assess the procedural integrity of the evidence-in-chief of the complainant/Opposite Party No. 2 recorded upon recall. On 19.01.2016, PW-1 was recalled to introduce new documentary evidence, namely her trade license (Exhibit 6) and 15 bill vouchers contained in 6 bill books (Exhibit 7 series). Cross-examination of the complainant on these documents was deferred, thereafter, on several subsequent dates fixed in the trial (02.08.2016, 02.09.2016, and 03.10.2016), the complainant was absent on petition. Crucially, the order sheet entry dated 21.11.2016—where cross-examination of the Opposite Party No. 2 was purportedly closed by the learned trial court, as it appears from the original record —is illegible and completely wiped off, and no deposition transcript exists showing that PW-1 was ever cross-examined regarding the Exhibit 7 series.

15. Under Section 138 of the Indian Evidence Act, 1872, cross-examination is a vital statutory right guaranteed to an adverse party to test the veracity of evidence introduced against him. In *State of Kerala v. Rasheed, [(2019) 13 SCC 297],* the Hon'ble Supreme Court emphasized that cross-examination is an indispensable component of a fair trial, and evidence introduced on recall without ensuring a full opportunity for cross-examination cannot be treated as conclusive. Both the learned trial Magistrate and the First appellate court proceeded on the

assumption that the 15 bill vouchers (Exhibit 7 series) stood "unchallenged and sacrosanct" because the accused/petitioner "failed to cross-examine" PW-1. Drawing an adverse inference against the petitioner without verifying whether the witness was actually tendered for cross-examination on 21.11.2016, in light of an unreadable order sheet, constitutes a material perversity and a clear error of law. Consequently, Question No. (B) is answered in the affirmative: the judgment of conviction and sentence passed by the learned trial court is vitiated by perversity and material irregularity due to the unreadable order sheet dated 21.11.2016 and the incomplete cross-examination of PW-1 on her recalled evidence.

16. In order to determine Question No. (C), this Court must examine whether the complainant successfully established the baseline existence of a "legally enforceable debt" of Rs. 8,30,885/- under Section 138 of the N.I. Act. The Explanation appended to Section 138 explicitly mandates that the cheque must be issued for the discharge of a legally enforceable debt or liability. Applying the said Explanation to the facts of the present case, the complainant, to substantiate the transaction of credit delivery of ladies' garments, relied solely on her oral testimony, her trade license (Exhibit 6), and the 15 bill vouchers (Exhibit 7 series), without exhibiting any account ledgers certifying such transaction.

17. A scrutiny of the record reveals that none of the 15 bill vouchers (Exhibit 7 series) contain any receiving signature, seal, or acknowledgment from the petitioner or his proprietary concern confirming delivery of the garments from the Opposite Party No. 2.

Furthermore, the complainant failed to produce primary commercial accounting records—such as cash books, ledgers, stock registers, audited balance sheets, or list of sundry debtors—for the relevant financial year. In *M.S. Narayana Menon (supra)*, the Hon'ble Supreme Court held that where a complainant claims that a cheque was issued against commercial transactions on credit, the non-production of business books of account, ledgers, and stock registers is a fatal omission. This principle was re-affirmed in *Kumar Exports (supra)* and in *Krishna Janardhan Bhat v. Dattatraya G. Hegde*, *[(2008) 4 SCC 54]*, holding that statutory presumptions under Section 139 of the N.I. Act do not extend to presuming the underlying debt itself to be legally enforceable when primary accounting records are withheld and vouchers are unacknowledged. Applying the said ratio to the facts of the present case, it appears that the cover pages of the bill books (Exhibit 7 series) displayed the prominent name "JAI BABA LOKNATH", with "STYLE" stamped upon it via a faint rubber stamp, creating unresolved ambiguity of the genesis of the transaction. Therefore, Question No. (C) is answered in the negative by holding that the complainant failed to establish the baseline existence of a legally enforceable debt of Rs. 8,30,885/- in the absence of primary commercial accounting records and authenticated bill vouchers.

18. Proceeding to Question No. (D), this Court is called upon to determine whether the petitioner successfully rebutted the statutory presumption under Section 139 of the N.I. Act. The legal principles governing the rebuttal of statutory presumptions under Sections 118 and 139 of the

N.I. Act have been authoritatively settled by the 3-Judges' Bench of the Hon'ble Supreme Court in *Rangappa v. Sri Mohan, [(2010) 11 SCC 441]* re-affirmed by the Apex Court in *Basalingappa v. Mudibasappa, [(2019) 5 SCC 418],* whereby it has been laid down that the standard of proof required from the accused to rebut the statutory presumption is merely that of *preponderance of probabilities*, and the accused can discharge this burden by raising a plausible defence either based on defence evidence or by pointing out inherent flaws and improbabilities in the prosecution case.

19. The petitioner, in the proceeding before the learned Trial Court, set up a consistent defence throughout, that he operated a travel agency ("Heaven in Town, Tours and Travels"), had no commercial dealing in ladies garments, and delivered the signed blank cheque to Sajal Banerjee (a loan broker) solely for procuring a business loan. This defence version was supported by the facts that the disputed cheque bore the rubber stamp of a travel agency, none of the complainant's bills bore receiving signatures of the petitioner, and no books of account certifying such commercial transactions were produced. The learned First appellate court erred in relying on the ratio of *Bir Singh (supra)* to hold that filling up details on a signed blank cheque does not invalidate the instrument. The ratio of *Bir Singh* applies where a signed blank cheque is *voluntarily* handed over *to the payee in discharge of a debt.* It does not apply where an instrument, given to an intermediary loan agent is misappropriated by a third party with whom no underlying commercial relationship exists. The petitioner created reasonable doubt

regarding the existence of the debt under the standard of preponderance of probabilities. Accordingly, Question No. (D) is answered in the affirmative holding that the petitioner had successfully rebutted the statutory presumption against him under Section 139 of the N.I. Act.

20. Moving on to Question No. (E), this Court must evaluate the legal effect of the simultaneous institution of N.I. proceedings from three parallel duplicate complaints by the complainant against a third party(elder brother of the petitioner) for the identical debt liability and upon dishonour of cheque issued on the identical date, as in the present case. The petitioner, before the learned First Appellate Court, raised a specific ground (Ground XIII) highlighting that the complainant simultaneously filed three other parallel complaint cases, all bearing consecutive numbers viz., C/19588/2013, C/19590/2013, and C/19591/2013 against his elder brother, Late Joydeep Dutta, for the exact same aggregate liability of Rs. 8,30,885/-, split across three cheques (Rs. 2,50,000/-, Rs. 2,50,000/-, and Rs. 3,30,885/-), all upon dispute of a cheque issued on the exact same date (28.03.2013) as in the present case.

21. It is commercially and legally impossible for two distinct individuals, acting independently, to issue separate cheques on the exact same date (28.03.2013) for the exact same underlying liability of Rs. 8,30,885/- without a joint agreement or guarantee being pleaded in the complaint. In *K. Prakashan v. P.K. Surenderan, [(2008) 1 SCC 258]* and *State of Haryana & Ors. v. Bhajan Lal & Ors., [1992 Supp (1) SCC 335]*, the

Hon'ble Supreme Court held that bringing duplicate, overlapping, and mutually destructive claims for the self-same underlying transaction against different individuals, without clean hands, demolishes the credibility of the prosecution case and constitutes a manifest abuse of the process of court. This material omission of institution of three parallel N.I. proceedings upon duplicate claims and particulars further corroborates the petitioner's defence that blank signed cheques belonging to both brothers, which were delivered to Sajal Banerjee for procuring commercial loans, were subsequently filled up with matching figures and misused by the Opposite Party No. 2. Both the learned Trial Court as well as the First Appellate Court erred in failing to evaluate the said ground urged by the petitioner. Therefore, Question No. (E) is determined accordingly, the simultaneous institution of three parallel N.I. proceedings on duplicate complaints for discharge of identical liability by issuing cheques bearing the exact same date demolishes the credibility of the complaint case and proves it to be an abuse of the process of the court.

22. Finally, turning to Question No. (F) regarding the appropriate scope of judicial relief, this Court must determine the order to be passed in light of the determinations reached on Question Nos. (A) through (E). As determined under Question No. (A), the learned First Appellate Court committed a fundamental procedural error under Section 386 of the Code by deciding Criminal Appeal No. 104 of 2018 *ex-parte* without providing administrative notice or legal representation to the petitioner. Furthermore, as determined under Question Nos. (B) through (E), the

learned trial court record contains illegible order entries, incomplete cross-examination on recalled evidence, non-production of account books, and unaddressed duplicate complaints.

23. When an appellate court decides a criminal appeal against conviction without providing an opportunity of hearing or legal assistance to the convict, the settled procedural ratio laid down in *Md. Sukur Ali (supra)*, *K.S. Panduranga (supra)*, and *Bani Singh (supra)* that the *ex-parte* appellate judgment must be set aside, and the appeal remanded to the First Appellate Court for a fresh decision on merits in accordance with law, after ensuring proper representation for the convict comes into operation to prevent miscarriage of justice. Thus, Question No. (F) is answered accordingly: the *ex parte* judgment dated 19th May, 2022 passed in Criminal Appeal No. 104 of 2018 must be set aside, and the appeal remanded to the First Appellate Court for a *fresh* hearing on merits.

24. In view of the determinations reached on Question Nos. (A) through (F), the criminal revisional application being C.R.R. No. 2260 of 2022 is allowed.

25. The impugned judgment and order dated 19th May, 2022 passed by the 2nd Fast Track Court of the learned Additional Sessions Judge, City Sessions Court, Calcutta, in Criminal Appeal No. 104 of 2018 is hereby **set aside**.

26. Criminal Appeal No. 104 of 2018 is remanded to the learned First Appellate Court (2nd Fast Track Court of the learned Additional

Sessions Judge, City Sessions Court, Calcutta) for fresh hearing and decision on merits in accordance with law.

27. Both the petitioner/appellant and Opposite Party No. 2 (Complainant) are directed to appear before the said learned First Appellate Court on **25th November, 2026** to take directions for the rehearing of the appeal.

28. The learned First Appellate Court is directed to rehear the appeal on merits after giving due notice to both parties, specifically addressing:

(i) The unreadable order entry of the learned Trial Court dated 21.11.2016 and the status of cross-examination on PW-1's recalled evidence;

(ii) The non-production of primary commercial books of account by the complainant (*M.S. Narayana Menon* ratio); and

(iii) **Ground XIII** of the appeal regarding the parallel duplicate complaint cases viz. C/19588/2013, C/19590/2013, and C/19591/2013.

29. It is explicitly directed that if the petitioner/appellant or his counsel fails to appear on any date fixed for hearing, the learned First Appellate Court **shall immediately appoint an advocate from the Legal Aid Panel or an Amicus Curiae** to represent the petitioner/appellant and argue the appeal before delivering judgment on merits.

30. Pending final disposal of Criminal Appeal No. 104 of 2018 upon remand, the execution of the order of sentence passed in Complaint

Case No. 19589 of 2013 by the 20th Court of the learned Metropolitan Magistrate, Calcutta, shall remain **stayed**.

31. Let a copy of this judgment along with the Trial Court Record be transmitted to the learned First Appellate Court forthwith for necessary information and compliance.

32. Pending connected application(s), if any, are also disposed of accordingly.

33. Interim orders, if any, stand vacated.

34. There shall be no order as to costs.

35. Case diary, be returned to the Learned Counsel for the State.

36. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all pre-requisite formalities.

(Uday Kumar, J.)