

Court No. - 91

Case :- APPLICATION U/S 482 No. - 35006 of 2023

Applicant :- Smt. Babita Pal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Deepak Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the State.

2. This application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to release the amount sum of Rs.2,50,000/- in favour of the applicant as per the order dated 22.09.2022 passed by Additional Court, Moradabad in Complaint Case No.11720/2017 of 2023, under Section 138 of N.I. Act, P.S. Katghar, District Moradabad.

3. Learned counsel for the applicant submits that a complaint case was filed by the applicant against the opposite party no.2 under Section 138 N.I. Act, which was decided and the accused was convicted vide order dated 22.09.2022 and the fine imposed Rs.2,55,000/- out of which Rs.5000/- was directed to be deposited with the Government of Uttar Pradesh and the rest of the amount i.e. Rs.2,50,000/- to be paid to the complainant/applicant under Section 357(3) Cr.P.C., against the said order, a criminal appeal was filed, which was also dismissed vide order dated 05.08.2022. The main contention of learned counsel for the applicant is that the fine which was imposed has not been paid to the applicant and this application u/s 482 Cr.P.C. was filed with the aforesaid prayer.

4. On the other hand, learned AGA has opposed the prayer and submitted that no application is moved before the trial court for the payment of the fine imposed by the trial court. If the applicant move an application before the trial court, the trial court may consider the same and passed the order in accordance with law.

5. Keeping in view the contention and submission made by the learned counsel for the parties, it is apparent that the application is disposed off with a direction to the applicant to move an application before the trial court for the payment of fine imposed, which shall be considered and decided by the trial court within a period of four weeks from today in accordance with law.

6. With the aforesaid observations, the present application u/s 482 Cr.P.C. is **disposed off**.

Order Date :- 17.10.2023
Sanjeet