

Court No. - 87

Case :- APPLICATION U/S 482 No. - 42181 of 2023

Applicant :- Prabhakar Sharma

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

Counsel for Applicant :- Sushil Kumar Chaturvedi, Sangeeta Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash order dated 03.10.2023 passed in application paper no. 9B in Criminal Appeal No. 204 of 2023 (Prabhakar Sharma Vs. State of U.P. and another), arising out of order dated 29.08.2023 passed in Complaint Case No. 6900997 of 2018 (Firm Giriraj Sheetgrih Pvt. Ltd. Vs. Prabhakar Sharma and another), under Section 138 N.I. Act, Police Station-New Agra, District - Agra.

3. learned counsel for the applicant submitted that while admitting appeal, direction has been issued to applicant to deposit 20 per cent amount of fine vide order dated 03.10.2023 passed by Session Judge, Agra in Criminal Appeal No. 204 of 2023, which is exorbitant and applicant is not in a position to deposit the same.

4. Being confronted by the Court, learned counsel for the applicant could not demonstrate a single provision under the law or any judgment in favour of his argument for not depositing 20 per cent amount of fine as directed vide order dated 03.10.2023.

5. Learned A.G.A. firmly pointed out that there is provision under Section 148 N.I. Act for depositing 20 per cent amount of fine at the time of admitting appeal. Therefore, there is no illegality in the order dated 03.10.2023.

6. I have considered the submission advanced by learned counsel for the parties and perused the record.

7. Section 148 of N.I. Act clearly provides for deposit of 20 per cent amount of fine at the time of admitting the appeal. Therefore, I find no illegality in the order dated 03.10.2023.

8. Application lacks merit and is accordingly **dismissed**.

Order Date :- 24.11.2023/ADY