

GAHC010271022024



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./506/2024

MAHANANDA BARMAN
S/O- LAKHIDHAR BARMAN,
R/O- BELSOR, P.O AND P.S-BELSOR, DIST- NALBARI, ASSAM, PIN-781304

VERSUS

KAMAL ROY
S/O- LATE PHULEN ROY ,
R/O- VILLAGE PATHSALA TOWN WARD NO-8 (TITKA),
P.O AND P.S- PATHSALA, DIST- BAJALI, ASSAM, PIN-781325

Advocate for the Petitioner : MR. P THAKURIA, J SHARMA,S MEDHI

Advocate for the Respondent : ,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.12.2024

Heard the learned counsel Mr. J. Sharma appearing for the petitioner.

2. This is an application under Section 438 and 442 of the BNSS, 2023 challenging the impugned order dated 19.11.2024 passed by the learned Sessions Judge, Bajali,

Pathsala in Criminal Appeal No.06/2024.

3. The petitioner was earlier convicted by the learned Chief Judicial Magistrate, Bajali, Pathsala in a case under Section 138 of the N.I. Act. Thereafter, he filed an appeal and after admission of the said appeal, the petitioner paid ₹4 lakh being 20% of the cheque amount to the complainant. That money has already been accepted by the complainant. The Bank statements support that fact.

4. In spite of that, on 19.11.2024, the learned Sessions Judge directed the present petitioner to deposit 20% of the cheque amount within 60 days.

5. It may be stated that the petitioner had informed the learned Sessions Judge about the aforesaid fact that he has already paid ₹4 lakh (Rupees Four Lakh) to the complainant of the N.I. Case. His Bank statements were also produced before the court. But that application was not considered by the court.

6. After hearing Mr. Sharma and after going through the materials available on record, this Court is of the opinion that the order dated 19.11.2024 is an unnecessary order and deserves to be set aside.

7. Accordingly, the impugned order dated 19.11.2024 passed by the learned Sessions Judge, Bajali, Pathsala in Criminal Appeal No.06/2024 is set aside.

8. The trial court is directed to expeditiously dispose of the appeal.

With the above direction the criminal revision petition stands disposed of.

JUDGE

Comparing Assistant