

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010142752026</u> <u>C528/1781/2026</u> Mujahid Hussain --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> - Ms. Divya Jain, learned counsel for the applicant. - Mr. Himanshu Sain, learned A.G.A. for the State. - The instant petition is preferred by the present applicant Mujahid Hussain under Section 528 of BNSS 2023 for challenging the order dated 17.04.2026 passed by learned Addl. District and Sessions Judge, First Roorkee District Haridwar in Criminal Appeal No. 46 of 2026, Mujaid Husaain vs. Anil Rana. - Brief facts of the case are that the applicant was convicted under Section 138 of the N.I. Act and preferred an appeal against his conviction before the 1st Addl. District and Session Judge, Roorkee and an application was moved for suspension of sentence as well as for reducing the statutory amount to be deposited in terms of Section 148 of N.I. Act from 20% to 5% on the ground that the applicant's financial condition is very weak since his daughter Aliya was operated and admitted in Mahant Indresh Hospital, Dehradun. The application was rejected by the learned 1st Addl. District and Session Judge by observing that the daughter of the applicant is 28 years married woman and therefore the entire

			burden for bearing medical expenses lies upon her husband and since no supporting document is filed, therefore, 20% amount which has to be deposited cannot be relaxed . 5. Being aggrieved with the order now the instant petition is preferred. 6. It is argued by the learned counsel for the applicant that while rejecting the application of the present applicant the Appellate Court granted only 21 days' time to deposit the 20% of the statutory amount in terms of Section 148(2) of the N.I. Act and the period as stipulated therein is in fact contrary to Section 148(2) of N.I. Act which specifies that period of 60 days is extendable up to 90 days. 7. The learned counsel for the applicant further argued that in the light of the statutory provision of Section 148(2) of the N.I. Act the time limit of 21 days, as fixed by the Appellate Court, is contrary to the said provision therefore at least the time period deserves to be extended to the statutory limit. She further argued that NBW as well as recovery warrant has also been issued. Lastly, learned counsel for the applicant concluded her arguments by submitting that applicant at present is now ready to deposit the entire 20% of the statutory amount but the period as stipulated in the order impugned be extended in terms of Section 148(2) of the N.I. Act. 8. The submission, as made above, appears to be innocuous and furthermore the period as stipulated in the order impugned is apparently contrary to Section 148(2) of the N.I. Act which specifies 60 days time extendable up to 90 days. 9. In such view of the matter and particularly taking into consideration the statement of the learned counsel for the applicant that now the applicant is ready to deposit the 20% of the statutory amount but the period as stipulated in the impugned order deserves to be extended, and, as such, instant C528 petition is disposed of finally and the order impugned is modified and the period as stipulated therein is extended from 21 days to 60 days and applicant is directed to
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			deposit the 20% of statutory amount within the 60 days in terms of Section 148(2) of the N.I. Act, till then the NBW as well as recovery warrant shall remain in abeyance. It is made clear that if the applicant fails to deposit the statutory amount of 20% within the period as stipulated under Section 148(2) of the N.I. Act the non bailable warrant as well as recovery warrant which is now kept in abeyance shall automatically be revived and the Appellate Court may proceed further in accordance with law. (Rakesh Thapliyal, J.) 12-08-2026 Parul
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