

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL REVISION NO. 481/ 2015**

Smt. Pushpa Rathore, W/o Lalit Rathore, aged about 58 years, R/o Asha Fancy Stores, Sector-1, Shivanand Nagar, Srinagar, PS Khamtarai, Raipur (C.G.)

---Applicant**Versus**

1. Smt. Pushpa Sahare, W/o Pradeep Sahare, aged about 39 years, R/o C/o Devika Parisar Sector, Shivanand Nagar, Behind Sri Laxmi Sai Bhawan, Srinagar, PS Khamtarai, Raipur (C.G.).
2. State of Chhattisgarh, through the District Magistrate, Raipur (C.G.)

----Respondents

For Applicant	:	Mr. B.D. Guru, Advocate
For non-applicant No. 2	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26/06/2015**

1. Applicant herein was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for six months and directed to make payment of Rs.5,00,000/- as a compensation to the victim/complainant, in default of payment of compensation amount, further sentenced to undergo rigorous imprisonment for two months.
2. Applicant herein filed Criminal Appeal No.70/2015 before the Additional Session Judge (Special Judge, CBI), Raipur (C.G.). Learned Additional Session Judge (Special Judge, CBI), Raipur by its order dated 07/05/2015 suspended the substantive jail sentence and stayed payment of compensation subject to the deposit of Rs.2,50,000/-.

3. Applicant herein has filed this criminal revision stating *inter alia* that she is financially weak and unable to deposit Rs.2,50,000/- as directed by Court of Additional Session Judge (Special Judge, CBI), Raipur and deposit of Rs. 2,50,000/- is stringent condition for her, as such, it be set-aside and she be directed to be released on bail.

4. Mr. B.D. Guru, learned counsel appearing for the applicant would submit that imposition of such stringent condition of deposit of Rs.2,50,000/- is unsustainable and bad in law.

5. Mr. Anant Bajpai, Panel Lawyer appearing for the State/non-applicant No. 2 would submit that compensation of Rs.5,00,000/- has been awarded to the victim/complainant, as such, a condition cannot be termed as harsh and disproportionate, therefore, criminal revision deserves to be dismissed.

6. I have heard learned counsel appearing for the parties.

7. Taking into consideration the nature of the order passed by the Appellate Court suspending substantive jail sentence and staying the compensation subject to deposit of Rs.2,50,000/-, in the considered opinion of this Court, condition of deposit of fifty percent of compensation awarded cannot be said to be harsh stringent condition warranting interference in exercise of revisional jurisdiction under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973.

8. At this stage, Mr. B.D. Guru, learned counsel for the applicant would submit that learned Additional Session Judge (Special Judge, CBI), Raipur be directed to decide the appeal expeditiously looking to the age and inability of the applicant to deposit such a huge amount. He would further submit that respondent has already entered into appearance and record of

the trial Court has already been requisitioned by the Appellate Court.

9. Prayer appears to be fair and reasonable.

10. Taking into consideration the facts and circumstances of the case; and the fact that respondent has already been represented in the appeal and record of the trial Court is available, learned Additional Session Judge, (Special Judge, CBI), Raipur/Appellate Court is directed to dispose of Criminal Appeal No.70/2015 expeditiously as early as possible preferably within a period of 45 days from the date of receipt and/or production of certified copy of this order.

11. With the aforesaid observation, criminal revision stands finally disposed of. Needless to say this Court has not expressed any opinion on the merit of the case.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**