

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.301 of 2015**

Badri Prasad Mishra S/o Shankerlal Mishra Aged About 55 Years R/o In Front Of Ram Darbar Gate, Kota, P.S. Sarswati Nagar, Raipur, Civil & Revenue District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

Kunwar Kanhaiyalal Sahu S/o Late Shri Jhaman Singh Sahu Aged About 55 Years R/o Luckky Indore Roadways, Heerapur, Near Police Chowki, Ring Road, Raipur, Civil & Revenue District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner : Shri Kishore Bhaduri, Advocate
None for respondent, though served.

Order On Board**11/09/2015**

There is an application for vacating stay.

2. Learned counsel for the petitioner submits that a short issue is involved in the matter and as there is an order of payment of compensation, the same may be decided expeditiously. He also submits that earlier interim application was moved in the pending criminal revision, but the said application has been rejected leaving it open for the petitioner to take other remedy for appropriate direction for release of the amount of compensation. Therefore, this petition under Article 227 of the Constitution of India has been filed.

3. The petitioner was the complainant and on his complaint, the accused, who had issued cheques and which bounced, has been convicted. The matter is pending consideration in the revision and the accused has been granted bail by suspending his sentence and in compliance of the order of the Court, the accused had deposited Rs.2,50,000/- before the Court below.

The prayer for release of Rs.2,50,000/- by the petitioner appears to be reasonable and there was no reason for the Court below to reject the same. The amount ought to have been disbursed with some conditions.

4. Accordingly, the impugned order to the extent it rejects application of the petitioner for disbursement of Rs.2,50,000/-, deposited by the accused relating to compensation, is set aside. It is directed that the amount of compensation be disbursed to the petitioner subject to petitioner's furnishing solvent security for the equivalent amount before the Court below.

5. The petition is accordingly allowed.

Sd/-
Manindra Mohan Shrivastava
Judge