

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 568 of 2019**

Smt. Anita Soni W/o Ravi Soni, aged about 36 years R/o Lohar Gali, Sarju Bagicha, Beside of Airtel Office, Tahsil and District Bilaspur (C.G.).

----Applicant**Versus**

Sunder Das Rohra S/o Paras Ram Rohra, aged about 50 years, R/o Adarsha Colony, Bilaspur, Tahsil and District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Lav Kumar Sharmal, Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****30/04/2019**

1. Heard on admission.
2. Vide judgment dated 27/02/2019 passed in Criminal Complaint No. 397/2017 by the learned Judicial Magistrate First Class, the Applicant has been convicted under Section 138 of the Negotiable Instrument Act and sentenced to till rising of the Court and to pay compensation of Rs. 1,16,000/- under Section 357 (3) Cr.P.C to the Respondent. Against the said judgment, the Applicant preferred an appeal along with application for suspension of sentence and grant of bail. The learned Additional Sessions Judge vide impugned order dated 26/03/2019 allowed the application and directed the Applicant to deposit 20% of the compensation amount of Rs. 1,16,000/- within 2 months before the trial Court. Thus, this revision has been filed.

3. I have heard counsel for the Applicant and perused the impugned order.
4. Section 148 of the Negotiable Instrument Act reads as under:-

“148. Power of Appellate Court to order payment pending appeal against conviction.-- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 to 1974), in an appeal by the drawer against conviction under Section 138, the Appellate Court may order the Appellant to deposit such sum which shall be a minimum of twenty per cent of the fine or compensation awarded by the trial Court.”

Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under section 143A.

(2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant.

(3) The Appellate Court may direct the release of the amount deposited by the Appellant to the complainant at any time during the pendency of the appeal.

Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.

5. A bare perusal of the above provisions would make it clear that the Appellate Court has been fully empowered for passing such type of order.
6. Considering the above aspect, I do not find any illegality or irregularity in the order passed by the Appellate Court. The revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge