

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 857 of 2014**

Kapoorchand Sahu, S/o Shri Maharathi, aged about 33 years, R/o Kera Road Janjgir,
Police Station – Janjgir, Civil & Revenue District Janjgir-Champa (C.G.)

----Petitioner/complainant

Versus

Vikas Agrawal, S/o Shri Nawal Kishor, aged about 27 years, R/o Link Road Janjgir,
Police Station – Janjgir, Civil & Revenue District – Janjgir-Champa (C.G.) (Accused)

---- Respondent

For Petitioner : Mr. P.M. Shriwas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/06/2019

Heard.

(1) The petitioner herein filed a complaint under Section 138 of the Negotiable Instrument Act, 1881 (henceforth “Act, 1881”) before the Judicial Magistrate First Class, Janjgir against the respondent herein.

(2) Learned trial Court, after full-dressed trial, convicted the respondent/accused under Section 138 of the NI Act and sentenced to undergo rigorous imprisonment for one year and also imposed a fine of Rs.10,000/-, and out of Rs.10,000/- of fine, awarded Rs. 8,000/- to the petitioner as compensation. Against which, the petitioner preferred a criminal revision before the 3rd Additional Sessions Judge, Janjgir, which was dismissed by the revisional Court against which instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been preferred.

(3) Learned counsel appearing for the petitioner would submit that compensation of Rs. 8,000/- granted to the petitioner is inadequate and it ought to have been granted Rs.8,10,000/- as the cheque of that amount was dishonoured.

(4) I have heard learned counsel appearing for the petitioner and considered his submissions and went through the record with utmost circumspection.

(5) A perused of the impugned order would show that learned Sessions Judge dismissed the revision preferred by the petitioner on the ground that remedy of the petitioner is to file appeal under proviso to Section 372 of the Cr.P.C.

(6) By proviso to Section 372 of the CrPC, complainant/victim is entitled to prefer appeal against the order imposing inadequate compensation.

(7) In that view of the matter, no exception can be taken to the order passed by the learned Sessions Judge in the revision.

(8) Accordingly, the petition under Section 482 of the Cr.P.C., being devoid of merit, is liable to be and is hereby dismissed summarily at the admission stage itself. However, the petitioner is at liberty to prefer appeal in accordance with law.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

