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HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1560 of 2019

Smt. Ravindar Kaur, W/o. Lakhvinder Singh, Aged About 45 Years, R/o. House No. 15/C, Sadak, S.P.A. Sector - 5, Bhilai Nagar, Police Station Bhilai Nagar, Tahsil and District Durg Chhattisgarh.

---- Applicant

Versus

S.K. Tandi, S/o. N. Tandi, Aged About 55 Years, R/o. Block 15/C, South Park, Avenue Sector- 5, Bhilai Nagar, Tahsil and District - Durg Chhattisgarh. Presently Residing at Qtr. No. 13 A, Sadak No. 36 Sector 10 Bhilai Nagar, District Durg Chhattisgarh.

-----Respondent

For Applicant : Mr. Ganesh Ram Burman, Advocate

For Respondent : Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/12/2019

1. This revision petition has been brought being aggrieved by the order dated 26.09.2019, passed by Judicial Magistrate First Class, Durg, District – Durg by which the application filed by the applicant/complainant for disbursal of the amount deposited by the respondent was dismissed.
2. It is submitted that the applicant/complainant has prosecuted the respondent under Section 138 of Negotiable Instrument Act, in which the respondent was convicted and sentenced with

imprisonment till rising of the Court and was ordered to pay compensation of Rs.2,35,000/-. An appeal was preferred by the respondent, which was dismissed. In the Criminal Revision No. 963 of 2018, filed by the respondent, this Court has stayed the order paying compensation on condition of making partial payment of 10% of the amount ordered as compensation. The respondent has made payment accordingly before the trial Court. It is submitted that despite there being no objection from the respondent, the application for disbursement has been dismissed.

3. Counsel for the respondent submits that he has no objection for disbursal of the amount, but disbursal if ordered, it should be with submission of some security, so that, in case, the respondent succeeds in the revision petition, the amount disbursed can be claimed back by him.
4. After due consideration I feel inclined to allow this revision. The impugned order dated 26.09.2019 is set-aside and the trial Court is directed to disburse the amount deposited in favour of the applicant against the bond of same amount submitted by him.
5. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge