

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 315 of 2020

- Rajendra Gwalani, S/o Karamchand Gwalani, Aged About 43 Years, R/o Santkawar Ram Ward Bhatapara, Tahsil Bhatapara, District-Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- Ranjit Singh Saluja, S/o Guru Das Mal Saluja Aged About 55 Years R/o Main Road , Lormi, Police Station and Tahsil Lormi, District-Mungeli, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Hemant Gupta, Advocate.
For Respondent	:	Mr. Amit Kumar, Advocate.

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

05/03/2020

Heard.

1. The petition has been brought being aggrieved by the order dated 5.2.2020 passed by the learned Additional Sessions Judge, Mungeli, District-Mungeli, by which the Court below has granted bail to the applicant subject to condition that the applicant shall deposit 20% of the compensation.
2. It is submitted that the condition imposed is harsh and the amount ordered is excessive for the applicant. The learned JMFC had no power to direct the applicant to pay compensation to the respondent. The maximum sentence of fine that could have been imposed by the JMFC was only to the extent of Rs.5,000/-. It is also submitted that the imposition of condition by the appellate Court is also not in accordance with law. Reliance has been placed on the judgment of Supreme Court in Dilip S. Dahanukar v. Kotak Mahindra Co. Ltd. And another, reported

in (2007) 6 SCC 528, wherein that the Hon'ble Supreme Court has held that condition for deposit of compensation amount can be ordered but the amount must be reasonable. As the applicant is not in a position to fulfill the condition of deposit of amount of compensation, therefore, even after grant of bail by the Court below, he would not be released. Hence, it is prayed that the condition imposed by the appellate Court may be relaxed.

3. There is no need of considering the arguments advanced on the point about the authority of Magistrate to impose fine or order payment of compensation in cases under Section 138 of the Negotiable Instruments Act. However, considering on the prayer that the condition imposed on applicant is too harsh, I feel inclined to interfere with the impugned order.
4. Accordingly, the revision is allowed in part. The impugned order is modified to the extent that condition of payment of 20% of compensation is reduced to 10% of compensation. On fulfillment of this condition and other conditions, if any imposed in the impugned order, the applicant shall be released on bail.
5. Petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha