

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 439 of 2020

Champeshwar Sahu S/o Jeevdhan Sahu Aged About 51 Years R/o Marfat Ramesh Kumar Rathi, Rathi Tambaku, Ganjpara Durg, Tehsil And District Durg, Chhattisgarh.

---- Petitioner

Versus

Dinesh Kumar S/o Siyaram Dewangan Aged About 51 Years R/o Jaamgaon, Police Station Ranchirai, Tehsil Patan And District Durg Chhattisgarh.

---- Respondent

For Petitioner : Shri Shikhar Bakhtiyar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-10-2020

1. Heard.
2. This petition has been brought praying for exercise of jurisdiction under Article 227 of the Constitution of India for issuance of a direction to the Court of Judicial Magistrate First Class.
3. Learned counsel appearing for the petitioner submits that by judgment dated 24.7.2014 passed in Complaint Case No. 314 of 2012, the respondent was convicted under Section 138 of the Negotiable Instruments Act. Apart from the sentence of imprisonment, he was ordered to pay a compensation of Rs.7,70,000/- to the petitioner. The judgment of the trial Court remained intact in appeal as well as in the criminal revision before the High Court.
4. The petitioner then filed an application dated 4.11.2019 before the Court of Judicial Magistrate First Class praying for disbursement of an amount of Rs.7,70,000/- which the respondent has deposited in the Court, but the concerned trial Court is not considering on this application and not

taking any interest, since the date the application has been filed because of which, the petitioner is suffering a huge loss. Hence, it is prayed that a specific direction be issued.

5. After considering the submissions made, the petition is disposed off at motion stage. Learned trial Court is directed to consider on the application dated 4.11.2019 filed by the petitioner for disbursal of the amount deposited in the Court in the case concerned and pass the order as early as possible, preferably, within a period of one month. The case be taken on urgent basis and the amount be disbursed during the pandemic situation.
6. Accordingly, the petition is disposed off at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge