

**CRR 1442 of 2021
(Through Video Conference)**

In Re: - An application under Section 401 read with Section 482 of
the Code of Criminal Procedure, 1973
And

In the matter of: Subrata Das

.... Petitioner

Mr. Debabrata Acharyya

...For the Petitioner

By the order impugned, the learned Additional Sessions Judge,
1st Court, Barrackpore, North 24 Parganas, directed the petitioner to
pay 20% of the fine amount imposed by the learned Judicial
Magistrate, 4th Court, Barrackpore in a proceeding under Section 138
of the Negotiable Instruments Act, 1881.

It has been submitted by the learned advocate for the petitioner,
that the order impugned suffers from illegality since the statutory
deposit has to be made as a condition precedent for the stay of
operation of the impugned order by the appellate court.

A plain reading of Section 148 of the Negotiable Instruments Act,
1881, does not indicate that the deposit has to be made as a condition
precedent for granting stay.

The learned Sessions Judge, in his discretion, directed the
petitioner to pay 25% of the fine amount as a precondition for
admission of the appeal. In my view, the said order has been made in

terms of Section 148 of the Negotiable Instruments Act, 1881 and no interference is called for.

It has been submitted by the learned advocate for the petitioner that the order impugned is vague as it does not indicate where the amount is to be deposited.

I permit the appellant to deposit the amount within a period of four weeks from the date of this order before the appeal Court below. If the petitioner fails to deposit such amount, the appeal shall stand dismissed automatically.

Accordingly, the revisional application being **CRR 1442 of 2021** is dismissed.

(Kausik Chanda, J.)