

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 168 of 2021

- Shatrughan Swarnkar, S/o Late Rambali Swarnkar, Aged About 58 Years, Caste- Sonar, R/o Mo. Juna Gaddi (Sadar Road), Police Station and Tehsil- Ambikapur, District- Sarguja, Chhattisgarh.

---- Petitioner

Versus

- Satyendra Kumar Soni, S/o Shri Harinandan Soni, Aged About 55 Years, R/o Shobha Shree Jewelers, Sadar Road, Kadambani Chowk, Ambikapur, District- Sarguja, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Sumit Singh Rathore, Advocate.
For Respondent	:	Mr. Ravindra Agrawal, Advocate.

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

25/03/2021

Heard.

1. This petition has been brought under Section 482 of Code of Criminal Procedure(for short 'CrPC') praying for issuance of direction to the trial Court for disbursal of amount of Rs.1 lakh deposited by the respondent in Criminal Case No.707/2014.
2. The respondent was convicted under Section 138 of the Negotiable Instrument Act and sentenced with simple imprisonment of 6 months and also directed to pay compensation of Rs.2,70,000/- by the trial Court. This conviction and sentence was maintained by the appellate Court in the appeal filed by the respondent. Subsequent to which, the Criminal Revision No.551/2019 has been filed by the respondent, in which, the respondent has been granted relief of suspension of sentence.
3. The respondent has made a partial payment of the compensation amount of Rs.1 lakh in the trial Court. On the application made by the

applicant for disbursal of the amount in his favor, the same has been rejected by the impugned order.

4. It is submitted by the counsel for applicant, that this Court may be pleased to direct for disbursal of the deposited amount in favor of the applicant.
5. Learned counsel for the respondent has objection and the submissions made by the counsel for applicant are opposed.
6. After considering on the submissions, this petition under Section 482 CrPC is disposed off at motion stage. The learned trial Court is directed to make disbursal of amount with respect of any such application is filed by the applicant after taking a personal bond of equivalent amount from the petitioner.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha