

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1826 of 2022

Bijay Kumar Swain

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
03.08.2022

Order
No.

01.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to modify the order dated 9th May 2022 passed by the learned Additional Sessions Judge, Nimapara in Crl. Appeal No.2 of 2022 so far deposit of Rs.1,64,000/- before the learned trial court within one month from the date of order for suspension of sentence till disposal of appeal.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party No.1. No one appears on behalf of the Opposite Party No.2-Complainant.
4. It appears that the aforesaid criminal appeal has been filed by the Petitioner before the learned Additional Sessions Judge, Nimapara against the order of conviction and sentence recorded against him for alleged commission of offence under

Section 138 of N.I. Act. The learned Additional Sessions Judge, Nimapara vide order dated 9th May, 2022 has directed the Petitioner to deposit Rs.1,64,000/- before the learned trial court within one month from the date of order, as a condition precedent for suspension of sentence till disposal of appeal.

5. However, during the course of hearing, learned counsel for the Petitioner submits that he would deposit the amount but on installment.

6. In view of the aforesaid and without notice to the Opposite Party No.2-Complainant, this Court dispose of this Criminal Misc. Case with a direction to the trial court to accept the deposit as directed by the appellate court, if the Petitioner pay the same in three equal consecutive monthly installments, i.e, on 20th of August, 2022, 20th of September, 2022 and 20th of October, 2022.

7. Needless to say that in view of the aforesaid order, the execution of N.B.W.(A) issued against the Petitioner shall be kept in abeyance till final deposit of the aforesaid amount. However, on deposit of the aforesaid amount, the N.B.W.(A) issued against the Petitioner shall be recalled. But, failure to deposit installment shall expose him to execution of N.B.W.(A) to recommit him to bail to undergo the sentence.

(S.Pujahari)
Judge