

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3387 of 2022

Jubaraj Mahala

....
Mr. S.J.Mohanty, Advocate

Petitioner

-Versus-

State of Odisha & Another

....
Mr. S.S.Mohapatra, ASC

Opposite Parties

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
14.11.2022

- 01.
1. Heard learned counsel for the petitioner and Mr. Mohapatra, learned counsel for the State-opposite party.
 2. In the instant case, the petitioner challenge the impugned order dated 16th September, 2022 passed by the learned District & Sessions Judge, Bhadrak in Criminal Appeal No. 17 of 2022 whereby he has been directed to deposit 20% of the total compensation amount i.e. Rs.13,20,000/- within the stipulated period for suspension of sentence which has been directed by the court of learned SDJM, Bhadrak in I.C.C. Case No. 360 of 2019.
 3. Learned counsel for the petitioner submits that the sixty days period is going to expire by tomorrow and the petitioner has not been able to arrange the amount of 20% which is required to be deposited pursuant to the direction of the learned Sessions court. While not pressing the matter on merit vis-à-vis the impugned order under Anneuxre-3, the learned counsel for the petitioner submits that another 30 days time should be granted for compliance of the aforesaid order which is available by virtue of Section 148(2) of the N.I.Act.
 4. Section 148(2) of the N.I.Act stipulates that the amount referred to in sub section (1) thereof which is with regard to minimum of 20% deposit to be made by the Appellant in an appeal against the

order of conviction under Section 138 of the N.I. Act, it shall be so deposited within 60 days from the date of order or within such further period not exceeding 30 days as may be directed by the court on sufficient cause being shown in that regard. Referring to the 2nd part of the said provision vis-a-vis extension of a further period of not exceeding 30 days, as appearing in sub-section 2 of Section 148 of the N.I.Act, the learned counsel for the petitioner submits that he should be granted a liberty at least to make an application before the learned Sessions court, since the petitioner is still unable to arrange the amount of Rs.13,20,000/-.

5. Considering such a submission of the learned counsel for the petitioner as there is a discretion involved to consider extension of time to deposit the amount of 20% of the compensation directed as per and in terms of Section 148(2) of the N.I.Act subject to sufficient cause being shown, the Court is of the view that such an opportunity should be provided to the petitioner.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a liberty granted to the petitioner to move an application under Section 148(2) of the N.I.Act before the court of learned District & Sessions Judge, Bhadrak in Criminal Appeal No. 17 of 2022 and in the event it is so moved, the court shall consider the same and pass appropriate order as per and in accordance with law in the light of Section 148(2) of the N.I.Act.

8. Urgent certified copy of this order be issued as per rules in course of the day.

(R.K. Pattanaik)
Judge