

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1085 of 2023

**Murli M. Chandak @ Murli Manohar Chandak
Vs.
State of West Bengal & Anr.**

**For the petitioner : Mr. Ayan Bhattacharjee,
Mr. Amitava Das,
Mr. Partha Sarathi Maitra,
Mr. Somdev Ash,
Mr. Suman Majumder.**

Judgement on : 24.03.2023.

Bibek Chaudhuri, J.

An order dated 24th February, 2023 passed by the learned Additional Sessions Judge, 1st Fast Track Court at Calcutta is assailed in the instant revision.

It is not in dispute that the petitioner was convicted in a proceeding under Section 138 of the Negotiable Instrument Act. Challenging the order of conviction and sentence the petitioner preferred an appeal before the learned Chief Judge, City Sessions Court, Calcutta and the learned Chief Judge, City Sessions Court, Calcutta while admitting the appeal on 11th February, 2022 directed the petitioner to deposit 20 per cent of the cheque amount before the Court of the learned Magistrate within the next date. The next date

was fixed on 8th March, 2022. The accused failed to make such deposit within the stipulated period of time. Subsequently, the case was transferred to the Court of the learned Additional Sessions Judge, 1st Fast Track Court at Calcutta. The learned Additional Sessions Judge enhanced the amount of deposit and directed the appellant/petitioner to make payment of the said amount.

It is submitted by the learned Advocate for the petitioner that Section 148 postulates payment of 20 per cent of the cheque amount at the time of filing of the appeal. The petitioner failed to pay the said amount but for the purpose of condonation of delay in making such payment the Court of appeal cannot enhance the amount more than what has been stated in Section 148 of the Negotiable Instruments Act coupled with the judgment passed by the Hon'ble Apex Court and this Court.

This Court is of the view that the instant revision can be disposed of here and now.

The petitioner is directed to pay 20 per cent of the cheque amount by 6th April, 2023. On deposit such amount, the hearing of the appeal will continue.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 03.