

CRM-M-19698-2024
Date of decision : 24.04.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

PANKAJ JAIN, J. (ORAL)

2. Counsel for the petitioner has relied upon law laid down by Apex Court in **Criminal Appeal No. 741 of 2024** titled as **‘Rakesh Ranjan Shrivastava vs. The State of Jharkhand and another’** *decided on 15th of March, 2024* to submit that 20% of the amount being the ceiling as prescribed under the bare provisions, the Appellate Court was required to assign reasons for awarding the same. However, the impugned order being totally bereft of any such reasons deserves to be set aside. He further

submits that the Criminal Procedure Code provides mechanism for recovery of the compensation and thus the suspension of sentence of the petitioner ought not have been made subject to such payment.

3. Having heard counsel for the petitioner and after going through records of the case, this Court does not find any merit in the submission raised by counsel for the petitioner that the complainant should be made to face another ordeal of initiating another proceedings for making recovery of the compensation awarded by the Trial Court. Section 148 of the N.I. Act has been incorporated in the N.I. Act by way of amendment Act 20 of 2018 and the same is a *non obstante clause* having place of pride over and above the provisions as contained in the Procedure Code.

4. In view of above, this Court rejects the submission made by counsel for the petitioner w.r.t. forcing the complainant to initiate recovery proceedings to recover the compensation amount. However, counsel for the petitioner is right in contending that the impugned order is totally bereft of any reason for awarding 20% of the compensation amount.

5. Mr. Bali on instructions submits that the petitioner is ready to pay 10% of the same provided he is granted one week's more time. Finding it to be a fair request, the time is extended up to 4th of May, 2024 i.e. the next date before the Appellate Court.

6. The impugned order is modified to the extent that the appellant is now required to deposit 10% of the compensation amount instead of 20%

as directed by impugned order. The time-limit to deposit the same stands extended till 4th of May, 2024.

7. With the aforesaid modification of the impugned order, the present petition is disposed off.

8. In view of the innocuous relief granted to the petitioner, this Court does not feel it appropriate to issue notice to the respondent. However, in case the respondent feels aggrieved of this order, he shall be at liberty to move an appropriate application.

9. Ordered accordingly.

April 24, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No