

9-10.
01-04-2026
(ct. no.34)
debajyoti

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

CRR 2425 of 2023

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IA NO:CRAN/1/2023

+

CRAN/9/2026

Iswari Prasad Tantia

Vs.

Emami Capital Markets Ltd

With

CRR 2478 of 2023

+

IA NO:CRAN/1/2023

+

CRAN/9/2026

M/s Tantia Construction Ltd

Vs.

Emami Capital Markets Ltd

Mr. Ayan Bhattacharjee, Sr. Adv.,
Mr. Indrajit Adhikari, Adv.,
Mr. Aditya Ratan Tiwary, Adv.,
Mr. Amitabrata Hait, Adv.,
Mr. Suman Majumder, Adv.

... For the Petitioner.

Mr. Moyukh Mukherjee, Adv.,
Ms. Sagnika Banerjee, Adv.

... For the Opposite Party.

1. The matter is taken up for hearing.
2. This revisional application is filed against an order dated June 12, 2023 assed by the Learned Chief Judge, City Sessions Court of Calcutta in criminal appeal no. 94 of 2023 arising out of judgement and order dated April 11, 2023 in connection with case no 3/2798 of 2015 whereby petitioner is directed to deposit 20% of the fine amount before the Court of Learned Chief

Metropolitan Magistrate at Calcutta as security deposit as a condition of payment of appeal.

3. At this stage, the learned Senior Advocate, Mr. Ayan Bhattacharjee, representing the petitioner, submits that since the order passed by the appellate court is devoid of any reasoning the matter should be remanded back for hearing afresh.

4. The learned advocate representing the opposite party primarily raises objection. However, the learned advocate conceded to the fact that no reason has been assigned by the learned appellate court.

FACTS:-

5. The point raised by the Learned Senior Advocate before this Court that whether order of pre- deposit can be passed under Section 148 of NI Act in an appeal filed by a person other than drawer against a judgement and order of conviction under Section 138 of the NI Act or whether the order is not sustainable in the eye of law. The Appellate Court erred in its approach to Section 148 of Negotiable Instrument Act 1881 by passing an order of pre deposit against the petitioner in an appeal against conviction under Section 138 of NI Act when such appeal was preferred by the petitioner in the capacity office bearer of the accused company.

6. On careful perusal of the order impugned this Court finds that the learned appellate court recorded the submissions and passed such order without assigning any reason for such order when it was a post-conviction interim compensation .

7. Therefore the matter is remanded back to the learned appellate court for hearing afresh after giving opportunity of hearing to both the parties .Tshe learned court is further directed to make all endeavours to dispose of the

matter at the earliest without granting any unnecessary adjournment to either of the parties.

8. In view of the above, the revisional applications and the connected applications are, accordingly, disposed of.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]