2026:AHC:207859

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 41238 of 2026

Sunil Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashish Goyal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE PRASHANT MISHRA-I, J.

1. Sri Ashish Goyal, learned counsel for the applicant and learned A.G.A. for the State are present.

2. The instant application has been filed to set aside the impugned order dated 24.07.2026 passed by Presiding Officer, Additional Court No.1, Agra in Complaint Case No. 11827 of 2024 (Upendra Singh Vs. Sunil Kumar) under Section 138 N.I. Act, Police Sation Hariparvat, District Agra, pending before the court of Prescribed Officer, Additional Court No.1, Agra.

3. Learned counsel for the applicant has apprised the Court that during proceedings of the aforesaid complaint case before the learned trial court, opposite party no. 2/complainant filed an application under Section 143A of N.I. Act on 17.02.2025 and prayed to pass the order. Learned trial court, after considering the application under Section 143A of N.I. Act, disposed of the application and directed the accused applicant to pay 20% of the cheque amount which comes out to be Rs. 3,26,000/-. Learned counsel also submits that the accused applicant is still facing trial and no conclusion about his guilt or innocence can be arrived at at this stage; the amount so ordered by the learned trial court is too exorbitant which is difficult to be paid by the accused applicant; He further prays to reduce the amount as ordered by the learned appellate court.

4. Learned A.G.A. has no objection to the submissions advanced by learned counsel for the applicant.

5. In view of the above, it is provided that 10% of the fine shall be deposited by applicant with the concerned Appellate Court within four weeks from

today. If the aforesaid 10% of the fine is deposited, the impugned order dated 24.07.2026 passed by Presiding Officer, Additional Court No.1, Agra in Complaint Case No. 11827 of 2024 (Upendra Singh Vs. Sunil Kumar) under Section 138 N.I. Act, Police Sation Hariparvat, District Agra, pending before the court of Prescribed Officer, Additional Court No.1, Agra, shall be kept in abeyance.

6. In default, the present arrangement shall automatically stand vacated.

7. The instant application under Section 528 B.N.S.S. stands ***disposed of***.

(Prashant Mishra-I,J.)

October 5, 2026
A. Mandhani

Digitally signed by :-
ABHISHEK MANDHANI
High Court of Judicature at Allahabad