
(2012) 01 MP CK 0087
In the Madhya Pradesh High Court
Case No : Criminal R. No. 858/11

Satyaprakash

APPELLANT

Vs

Rajaram

RESPONDENT

Date of Decision : 16-01-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 01 MP CK 0087

Hon'ble Judges : K.K. Lahoti, J

Bench : Single Bench

Judgement

Krishn Kumar Lahoti, SP Judge

1. This revision is directed against the order dt.14.9.2011 passed by the III Additional Sessions Judge, Guna in Cr.A.No.374/11, by which the appellate court while suspending the sentence directed the petitioner herein to deposit Rs.25,000/- out of the compensation amount and to furnish solvent surety of Rs.25,000/- and personal bond of the same amount.
2. The learned counsel appearing for the petitioner submitted that the petitioner is not in a position to deposit Rs.25,000/-, which has been directed to be deposited by the appellants and the aforesaid order may be stayed. In the alternative, it is submitted that the petitioner be permitted to deposit further Rs.10,000/- as the petitioner has already deposited Rs.5,000/- in compliance of the order passed by this court on 30.9.2011 in this revision.
3. Learned counsel for the respondents opposed the aforesaid contention.
4. From the perusal of the record, it appears that a case u/s 138 of Negotiable Instruments Act 1881 was filed against the petitioner herein registered as Criminal Case No.2871/09. In the aforesaid case, trial court after trial found the petitioner guilty u/s 138 of Negotiable Instruments Act 1881 and directed payment of Rs.1,10,000/- by way of compensation to the respondent and punishment of one year's R.I. to the petitioner. In the case allegations are that

two cheques of Rs.50,000/- each were issued by the petitioner herein which were dishonoured and because of this, the aforesaid complaint u/s 138 of Negotiable Instruments Act, 1881 was filed.

5. From the perusal of the aforesaid facts, it is apparent that out of the cheques amount of Rs.1,00,000/-, the trial court on recording the finding that the aforesaid cheques were dishonoured, directed compensation of Rs.1,10,000/- in favour of the respondent and the appellate court while suspending sentence directed deposit of Rs.25,000/- in the trial court, which order appears to be just and proper. The appellant, who has already deposited Rs.5,000/- in compliance of the order dt.30.9.2011, is allowed further 30 days" time from today to deposit remaining Rs.20,000/- before the trial court. If the amount is not deposited within the aforesaid period, the order suspending the sentence against the appellant shall ceased to be effected.

6. With the aforesaid modification, this revision is finally disposed of. A copy of this order be sent to the courts below for compliance.