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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

ON THE 6th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 41685 of 2023

BETWEEN:-

**HATIM ALI S/O ASGAR ALI, AGED ABOUT 43 YEARS,
OCCUPATION: PROPRIETOR ABDULLAH STEEL R/O
NEAR REWA NURSING HOME ANAND NAGAR
NARMADAPURAM (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SUDHIR K. SHARMA - ADVOCATE)

AND

**STANDARD STEEL COMPANY KHANDWA THROUGH
PARTNER HAJI MOHD. SAEED A/A 73 YEARS S/O NISAR
MOHAMMED R/O OLD INDORE LINE THANA MOGHAT
ROAD KHANDWA (MADHYA PRADESH)**

.....RESPONDENT

(NONE)

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

This petition under Section 482 of Cr.P.C. has been filed assailing the order dated 18.7.2023 passed by Sessions Judge, Khandwa, whereby in an appeal filed against judgment of conviction under Section 138 of Negotiable Instruments Act, petitioner is sentenced to undergo 3 months S.I. and was directed to pay Rs.9,62,321/- as compensation to the complainant.

2. In an appeal, learned Sessions Judge, directed the petitioner to deposit 20% of the compensation amount. Being aggrieved by the aforesaid order, this petition has been filed.

3. I have heard learned counsel for the petitioner.
4. Section 148(1) of Negotiable Instruments Act reads as under :-

"148.(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in an appeal by the drawer against conviction under Section 138, the Appellate Court may order the appellant to deposit such sum which shall be minimum of twenty per cent of the fine or compensation awarded by the trial Court ;

Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under Section 143A.

(2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant."

5. As per the mandate of Section 148(1) Appellate Court may order to deposit such sum which shall be minimum of 20% of fine amount or compensation awarded by the trial Court.

6. As some awarded is 20% of compensation amount, no fault is visible in the impugned order passed by learned Sessions Judge, Khandwa. Thus, I find no substance in the submissions put forth by learned counsel for the petitioner.

7. Accordingly, this petition being devoid of merits is **dismissed**.

(DINESH KUMAR PALIWAL)
JUDGE