

In the Court of Sri Abhishek Kumar Bhan  
D.A.S.J-I, Banka  
District- Banka(Bihar)  
Cri. Revision.-20/2024

**In the Court of District & Additional Sessions Judge – I  
Banka  
Criminal Revision No. 20 of 2024  
CIS No. 20 of 2024**

Arising out of against the order dated 30.01.2024, u/s 138 of N.I. Act passed in Complaint Case no. 396/2023 by the Court of Sri Kundan Paswan, J.M.1st, Banka

**IN THE MATTER OF :-**

1. Pankaj Kumar Chouhan, S/o Janardhan Chouhan,  
Village-Sidhon, P.S.- Barahat, District-Banka.

.....Revisionist

Vrs.

1. The State of Bihar.

.....Opposite party

Learned Counsel for the Revisionist : Sri. Anand Deo Choudhary, Ld. Adv.  
Learned Counsel for the State : Sri Subodh Kumar Mishra, A.P.P.

Date of Order : 11<sup>th</sup> day of March, 2026

Present : Abhishek Kumar Bhan  
District & Additional Sessions Judge- I  
Banka

**ORDER**

1. This Criminal Revision has been directed against the order dated 30.01.2024, by which the Ld. Trial Court has allowed the bail of the accused u/s 138 of N.I. Act in Complaint Case no. 396/2023 and imposed a condition that the petitioner has to deposit 10% amount of the money in question within a month.
2. Briefly stating the fact leading to filing the revision petition is that the order dated 30.01.2024 passed by the Ld. Court below is not maintainable either in the fact or in the eye of law. It is further stated that the Ld. Lower Court has mentioned in the impugned order that offence is bailable, but in the order he has imposed a

condition that the petitioner has to deposit 10% amount of the money in question within a month. This part of the order is illegal and improper. In a bailable offence, accused has right to enjoy bail without any condition. It is further stated that at this stage, specially in bail order, such type of condition is illegal, improper and incorrect. It is further prayed to passed appropriate order in this regard.

4. On service of summons, the opposite party appeared and without filing any rejoinder they opposed the prayer of the revisionist.

#### **ARGUMENT ADVANCED ON BEHALF OF REVISIONISTS**

6. The Order dated 30.01.2024 passed by Ld. J.M.F.C is not maintainable in the eye of the law as he has imposed condition with the bail order dated 30.01.2024. It is also submitted that in the impugned order it has been mentioned that the offence is bailable and despite that a direction was passed to deposit 10% of the money in question within a month. In the case of bailable offence it is a right of the accused to avail bail.

#### **ARGUMENT ADVANCED ON BEHALF OF RESPONDENTS**

7. The Ld. Counsels representing opposite party, submitted that the order dated 30.01.2024 is in the interest of the justice and as per section 143 of N.I. Act the discretion is vested in the court to impose an interim compensation upto 20%.
8. After considering the material available on record and also the submissions made by the learned counsel for the Revisionist Petitioner as well as the learned counsel for the Respondent, the point for determination which arises in this Revision is that order dated 30.01.2024 passed by the learned J.M.F.C, Banka in Comp. Case no. 396/2023 is bad in law and want interference by this court?

#### **DECISION AND REASON THEREOF**

9. Point No.(a): In view of the rival submissions the first question that arises for consideration is whether the order of the Learned J.M.F.C, Banka in Comp. Case no. 396/2023 is legal and good in eye of law.

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10. The basic object of revisional jurisdiction is to correct order arising from misconception of law or irregularity of procedure, discretion in the exercise of revisional jurisdiction should, therefore, be exercised, whenever there has been error in whatever manner. Any order passed by the learned court merely denotes orders of a purely interim or temporary nature which do not decide or touch the important rights or the liabilities of the parties. Any order which substantially affects the rights of the accused or victim or decides certain rights of the parties cannot be said to be an interlocutory order to bar a reconsideration of that order, because that would be against the very object of justice.

From the perusal of the L.C.R. it transpires that the Ld. Trial Court while granting the bail of the accused directed him to deposit 10% of the cheque amount. The law regarding interim compensation in the N.I. Act is governed by section 143(A) which empowers the court to direct the drawer of a dishonored cheque to pay interim compensation (upto 20%) of the cheque amount to the complainant during pendency of the case.

The Hon'ble Supreme Court in Rakesh Ranjan Srivastava vs. State of Jharkhand it was held that the court will have to prima facie evaluate the merits of the case made out by the complainant and the merit of the defence pleaded by the accused and a direction to pay interim compensation can be issued only when complainant make sought a prima facie case.

In this case the Ld. Court by order dated 28.07.2023 has found prima facie case against accused person u/s 138 of N.I. Act and the claim amount is Rs.10 lakh rupees. Considering the legal provision u/s 143 of N.I. Act there is no illegality with the impugned order and it does not required any kind of interference. Accordingly this revision petition is hereby dismissed. The parties are left to bear their own cost.

Send the copy of this court order along with L.C.R. to the learned concerned court for further needful.

Dictated & Corrected

District & Addl. Sessions Judge-I  
Banka  
Date- 11-03-2026

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Banka  
Date- 11-03-2026