

IN THE COURT OF CHIEF JUDGE, CITY SESSIONS COURT, CALCUTTA.

Criminal Appeal No.62 of 2025

CNR – WBCS01-000360-2025

Present: Sri Sukumar Ray,
Chief Judge,

City Sessions Court, Calcutta,
JO Code No. WB00590

Order No.02 dated 03.07.2025

Today is fixed for hearing of the petition on the point of admission.

Ld. Advocate for the appellant is present by filing hazira.

It appears that the appellant has filed the instant memo of appeal challenging the judgement and order dated 09.04.2025 passed by the Ld. 10th Judicial Magistrate, Calcutta in connection with Complaint Case no. CS/14722 of 2020.

The memo of appeal is filed within the statutory period of limitation. So there is no legal bar or impediment to admit the instant appeal. Hence, the instant appeal is admitted.

At this stage, Ld. Advocate for the appellant submits that it is not mandatory to direct the appellant to deposit 20% of the compensation amount before the Ld. Trial Court and so he prays before this Court not to pass any order regarding depositing 20% of the compensation amount before the Ld. Trial Court as per provision of section 148 of N.I. Act.

In support of his contention he placed his reliance upon judgements as follows:-

1) **Jamboo Bhandari Vs M.P. State Industrial Development Corporation Ltd. & Ors. in Criminal Appeal no. 2742 of 2023 Para 6, 7 and 9.**

2) **Muskan Enterprises & Anr. Vs The State of Punjab & Anr. Reported in 2024 INSC 1046 Para 6, 7, 24 and 27.**

Heard the Ld. Advocate for the appellant.

Considering the fact of the case and in view of the observation of the Hon'ble Apex Court in **Jamboo Bhandari Vs M.P. State Industrial Development Corporation Ltd. & Ors. in Criminal Appeal no.2742 of 2023 Para 6** wherein the Hon'ble Apex Court held that "*normally, Appellate Court will be justified in imposing the condition of deposit as provided in Section 148*", I am of the view that if the appellant is directed to deposit 10% of the compensation amount awarded by the Ld. Trial Court, it will not be unjust.

Accordingly, the appellant is directed to deposit 10% of the compensation amount of Rs. 4,54,666/- before the Ld. Trial Court within 04.08.2025.

Ld. Advocate for the appellant filed one application praying for staying the operation of the impugned judgement and order dated 09.04.2025 passed by the Ld. 10th Judicial Magistrate, Calcutta in connection with Complaint Case no. CS-14722/2020.

Heard. Considered.

The prayer for staying the operation of the impugned judgement and order dated 09.04.2025 passed by the Ld. 10th Judicial Magistrate, Calcutta in in connection with Complaint Case no.CS-14722 of 2020 is allowed for ends of justice.

The operation of the impugned judgement and order dated 09.04.2025 passed by the Ld. 10th Judicial Magistrate, Calcutta in in connection with Complaint Case no. CS-14722/2020 is stayed till next date (**04.08.2025**).

Call for TCR.

Fix **04.08.2025** for filing receipt of showing deposit of 10% of the compensation amount before the Ld. Trial Court

Let a copy of this order be sent to Ld. Trial Court for information.

Dictated & corrected by me

Chief Judge,
City Sessions Court, Calcutta.

Chief Judge,
City Sessions Court, Calcutta.