



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1147 of 2023

1 - Guha Manikpuri S/o Late Birbal Das Aged About 43 Years R/o House No. S.F. 789, C.S.E.B Colony Korba East, Tehsil And District Korba (C.G.)

... petitioner

versus

1 - Meenu Pandey D/o Devi Prasad Pandey Aged About 36 Years R/o Adarsh Nagar Podi Bahar, Police Chowki Rampur, Korba, Tehsil And District Korba (C.G.)

... Respondent(s)

Order on Board

25/04/2025	Mr. Ashutosh Shukla, learned counsel for the petitioner. Mr. Anil Tripathi, learned counsel for the respondent. Heard on I.A. No. 03/2024 which is an application for vacating the order dated 01.11.2023 filed by the respondent and also heard on I.A. No. 05/2025 which is an application for



extension of time in depositing the 50% of the cheque amount filed by the petitioner.

The petitioner has been convicted for the offence under Section 138 of the Negotiable Instruments Act by the learned trial Court in Criminal Case No. 3187/2018 vide its judgment dated 25/08/2021 and was sentenced for simple imprisonment for three months and compensation of Rs. 2,90,000/- was granted in favour of the complainant against the petitioner/ accused. The said judgment dated 25.08.2021 was challenged by the petitioner by filing the CRA No. 57/2021 before the learned First Additional Sessions Judge, Korba which was partly allowed vide judgment dated 21.09.2023 and the sentence awarded to the petitioner was altered and instead of simple imprisonment for three months, his sentence was reduced till rising of the court but the compensation was enhanced i.e. Rs. 5,00,000/- which was payable within one month i.e. upto 25.10.2023, failing which the appellant was directed to undergo simple imprisonment for three months. The said judgment is dated 21.09.2023 under challenged in the present petition.

From order dated 01.11.2023 passed by co-ordinate Bench of this Court, it transpires that the petitioner was directed to deposit the 50% of the total amount of compensation awarded against him within a period of 60 days from the date of the order



	and the amount deposited by the petitioner, if any, shall be adjusted towards the deposits made by the petitioner. On 16.01.2024, the petitioner made an application for extension of time to deposit the amount as per the order dated 01.11.2023. The time to deposit the amount was extended vide order dated 02.02.2024, however, when the petitioner fails to deposit the amount, a bailable warrant was issued on 24.07.2024 against the petitioner and fixed the case for 30.09.2024. On 30.09.2024, no one appears on behalf of the petitioner. On 12.11.2024, since no one appears again on behalf of the petitioner, a bailable warrant was again issued against him and the case was fixed for 10.12.2024. Again on 10.12.2024, no one appears on behalf of the petitioner and the bailable warrant issued was returned unserved with the endorsement that he was not found in his house and his daughter informed that he had gone to Raipur for his treatment. Thereafter the warrant of arrest has been issued against the petitioner and the case was fixed on 19.12.2024. On 19.12.2024, Mr. Anshul Tiwari, Advocate appeared on behalf of the petitioner and withdraw his power from the case as he is having no instruction from the petitioner and the warrant of arrest was issued against the petitioner and the case was fixed for 10.01.2025. On 10.01.2025, Mr. Ashutosh Shukla would submit that the petitioner is ready to pay the entire balance amount and it was directed that the respondent shall remain present before this
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Court and the case was fixed for 17.01.2025. On 17.01.2025, an application was filed on behalf of the petitioner for extension of time to deposit the 50% of the cheque amount. While considering the application, the coordinate Bench of this Court has granted two weeks time as last opportunity to deposit the 50% of the amount and the case was again fixed for 24.02.2025. Subsequently, on 07.03.2025, learned counsel for the petitioner would submit that there is possibility of amicable settlement between the parties and then the matter was referred to the mediation centre for exploring the possibility of settlement and the case was fixed in the third week of April, 2025. Again on 16.04.2025, when the matter was listed, no one appeared on behalf of the petitioner and the case was adjourned and ultimately it was listed today.

Be that as it may, despite the order passed on 01/11/2023, the petitioner failed to comply with the order and has not deposited the amount despite taking repeatedly time to deposit the same, therefore, I do not find any ground to allow the application filed by the petitioner I.A. No. 05/2025 to further extend the time to deposit the 50% of the amount in compliance of the order dated 01.11.2023, the sufficient time/ opportunity has been given to the petitioner to comply with the order and to deposit with the same and therefore, the application filed by the petitioner I.A. No. 05/2025 is **Rejected**.



sagrika	Since, there is already a direction in the order dated 01.11.2023 that, however, if any of the conditions enumerated herein above will be flouted by the applicant, this order shall stand canceled without any further reference to the Bench, the learned trial Court is directed to initiate the proceeding for recovery of the fine amount as awarded by the learned appellate court. In view of the above, the Application I.A. No. 03/2024 is also disposed of. List this case along with CRR No. 1143/2023 for final hearing. Sd/- (Ravindra Kumar Agrawal) Judge
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