

GAHC010069252020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P. 117/2020

1:TECHI TAGIA TARA @ KENA
SON OF LATE TECHI DOBINM, PERMANENT RESIDENT OF KIMIN TOWN,
P.O. AND P.S. KIMIN, PAPUM PARE DISTRICT, ARUNACHAL PRADESH.

VERSUS

1:TABA TAKAR
SON OF TABA TASHI, RESIDENT OF MODEL VILLAGE, P.O. AND P.S.
NAHARLAGUN, PAPUM PARE DISTRICT, ARUNACHAL PRADESH.

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24-03-2020

Heard Mr. A. Sarma, learned counsel for the petitioner.

2. This revision under section 401 read with section 397 Cr.P.C is directed against the appellate judgment and order dated 05.03.2020 passed by the learned Session Judge, Papum Pare, Yupia in Criminal Appeal No.11/2009, thereby dismissing the appeal and affirming the judgment, order and sentence dated 09.09.2019 passed by the learned Chief Judicial Magistrate, Papum Pare, Yupia in CR Case No.87/2015 under section 138 of the Negotiable Instruments Act, 1881.

3. The learned trial Court had sentenced the petitioner to undergo SI for 6(six) months and to pay a compensation of Rs.32,00,000/- in default to undergo SI for 3(three) months.

4. The Registry has reported that upon the permission being received from the Hon'ble The Chief Justice, the petitioner was permitted to file this matter relating to Itanagar Permanent Bench before the Principal Seat.

5. Having heard the learned counsel for the petitioner, the Court is inclined to admit this revision for hearing.

6. Call for the records. Issue usual notice returnable on 08.05.2020. The steps shall be taken today for service of notice on the respondent by registered post with A/D.

7. Heard the learned counsel on the question relating to pre-deposit of the part of compensation as provided under sub-section 1 of section 148 of the Negotiable Instruments Act, 1881. Having regard to the submission, as a pre-condition for grant of stay, the petitioner is directed to deposit 25% of the compensation amount out of Rs.32,00,000/- being Rs.8,00,000/- (Rupees Eight lakh only) before the Registry of this Court on or before the next returnable date i.e. 08.05.2020. As an interim measure, till the next returnable date, the sentence passed against the petitioner by the learned trial Court in CR case No.87/2015 as affirmed by the learned Appellate Court in Criminal Appeal No.11/2019 shall remain stayed. Therefore, the warrant of arrest, if any, issued by the learned trial Court for enforcement of the sentence, shall not be acted upon.

8. Let a copy of this order be issued under the signature of the Court Master. The learned counsel for the petitioner is permitted to produce the same before the learned trial

Court or before the arresting authority.

JUDGE

Comparing Assistant