

GAHC010069252020



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

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

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

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, MR. K KALITA

Advocate for the Respondent : MR. M BISWAS, MS. S MEDHI

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

21/08/2024

Heard Mr. K Kalita, learned counsel for the petitioner and Mr. M Biswas, learned counsel for the respondent No. 1.

2. The learned Chief Judicial Magistrate-cum-Civil Judge (Senior Division), Yupia, Papumpare, District- Arunachal Pradesh in C.R. Case No. 87/2015, i.e., on the complaint petition filed by the respondent No. 1 under Section 138 of the NI Act, 1881; by judgment and order dated 09.09.2019 convicted the petitioner under Section 138 of the NI Act and sentenced him to undergo Simple

Imprisonment for 6 (six) months and to pay compensation of Rs.32,00,000/-, in default to pay compensation, to undergo Simple Imprisonment for 3 (three) months.

3. Against the said judgment and order of the learned CJM-cum-Civil Judge (Senior Division), Yupia, Papumpare, District- Arunachal Pradesh dated 09.09.2019, the petitioner preferred an appeal before the learned Sessions Judge, Yupia, Papumpare being Crl. A. No. 11/2019.

4. After hearing the learned counsels for the parties, the learned Sessions Judge, Yupia, by order dated 05.03.2020 dismissed the said Crl. A. No. 11/2019 of the petitioner upholding the order of the learned CJM-cum-Civil Judge (Senior Division), Yupia, Papumpare, District- Arunachal Pradesh dated 09.09.2019, noted above.

5. Thereafter, the petitioner during the Covid-19 period filed this petition in the Principle Seat at Gauhati High Court on being allowed by His Lordship the Hon'ble Chief Justice in His administrative side.

6. The Court by order dated 24.03.2020, while issuing notice to the respondents in this proceeding in the interim passed a conditional stay for the said judgment and order dated 05.03.2020 passed by the learned Sessions Judge, Yupia, Papumpare dismissing the said Crl. A. No. 11/2019 directing the petitioner to deposit 25% of the compensation amount of Rs.32,00,000/-, i.e., amounting to Rs. 8,00,000/- before the Registry of this Court on or before the next returnable date, i.e., 08.05.2020 with the observation that till the next returnable date, the sentence passed against the petitioner by the learned Trial Court in C.R. Case No. 87/2015 as affirmed by the Appellate Court in Crl. A. No. 11/2019, noted above, shall remain stayed.

7. Pursuant to the said order of the Court dated 24.03.2020, the petitioner only on 25.06.2024 deposited an amount of Rs.5,00,000/- with the Registrar General of this High Court.

8. It is contended on behalf of the petitioner that the petitioner was under medical treatment and hospitalized for a period of about 2 years.

9. We have seen from the order sheets of this petition that on 11.05.2020, 01.02.2021 and 29.05.2023, the Court adjourned the matter on the prayer of the learned counsel for the petitioner extending the interim order dated 24.03.2020.

10. By order dated 29.05.2023, the Court directed the petitioner to deposit the said amount of

Rs.8,00,000/- being 25% of the compensation amount of Rs.32,00,000/- before the Registry, positively by 21.06.2023, observing that failing on its part, the interim order dated 24.03.2020 will be cancelled.

11. On 21.06.2023, the Court indicated that the petitioner failed to deposit Rs.8,00,000/- being unwell and the Court cancelled the interim order dated 24.03.2020 passed earlier in the case directing to list the matter after 4 (four) weeks for payment of Rs.8,00,000/-.

12. On 19.03.2024 considering the health condition of the petitioner as been submitted before the Court, the petitioner was given the last chance to deposit the said amount of Rs.8,00,000/-, fixing the matter on 03.05.2024 and the petitioner did not deposit the said amount.

13. On 03.05.2024, it was submitted by the petitioner before the Court that he is ready to pay the interim compensation amount of Rs.8,00,000/- as per the direction of the Court dated 24.03.2020 after 6th June, 2024 which was accordingly recorded in the said order dated 03.05.2024. Accordingly, the matter was fixed on 25.06.2024.

14. On 25.06.2024, the petitioner in spite of his submission made on 03.05.2024 and as accordingly recorded by the Court, deposited only an amount of Rs.5,00,000/- with the Registry of this Court. By the said order dated 25.06.2024, the Court allowed the respondent No. 1 to withdraw the said amount of Rs.5,00,000/- and directed the petitioner to pay the remaining amount of Rs.3,00,000/- to the respondent, fixing the matter on 12.08.2024.

15. On 12.08.2024, the matter was adjourned on the prayer of the learned counsels for the parties.

16. Today, on being enquired, Mr. Kalita, learned counsel for the petitioner submitted that the petitioner is yet to deposit the remaining amount of Rs.3,00,000/-.

17. As the orders of the Court, noted above, have not yet been complied with by the petitioner in spite of granting time on many occasions, this criminal revision petition, stands dismissed.

JUDGE

Comparing Assistant