

GAHC010169442025



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

Case No. : Crl.Rev.P./296/2025

SRI RITUPARNA DAS
SON OF SRI ARUN DAS
R/O KOKORATOLI DOHUTIA CHUK,
P.S. AND DIST. TINSUKIA, ASSAM

VERSUS

SRI BHARAT CHETIA
S/O SRI ARUN DAS
R/O KOKORATOLI DOHUTIA CHUK
P.S. AND DIST. TINSUKIA, ASSAM

Advocate for the Petitioner : MR GAURAV R DUTTA, MR. D MAZUMDAR, MR A R BAROOAH

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 04.08.2025

Heard Mr. G.R. Dutta, learned counsel for the petitioner.

2. The instant revision petition is preferred to assail a Judgment and Order dated 25.06.2025 passed by the Court of learned Additional Sessions Judge, Dibrugarh [‘the Appellate Court’, for short] in Criminal Appeal no. 23[3]/2024, whereby, the Appellate Court has dismissed the appeal affirming a Judgment and Order dated 25.06.2024 of conviction and sentence passed by the Court of learned Chief Judicial Magistrate, Dibrugarh [‘the Trial

Court'] in NI Case no. 136^C/2022. The complaint case, NI Case no. 136^C/2022 was instituted by the respondent herein as the complainant alleging commission of the offence under Section 138 of the Negotiable Instrument Act on the ground of dishonour of two cheques amounting to Rs. 8,00,000/- in total issued by the petitioner on an account maintained by him. The Trial Court had found the petitioner guilty of the offence under Section 138, NI Act and the petitioner had been sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs. 9,00,000/-, in default of payment of fine, to undergo simple imprisonment for a further period of six months.

3. Issue notice, returnable on 15.10.2025.
4. The case records of NI Case no. 136^C/2022 and Criminal Appeal no. 23[3]/2024 be called for.
5. The petitioner shall take steps for service of notice upon the respondent by registered post with A/D as well as by usual process within 3 [three] working days from today.
6. Heard the learned counsel for the petitioner on the interim prayer.
7. The learned counsel for the petitioner has submitted that under Section 269SS of the Income Tax Act, 1961, any amount beyond Rs. 20,000/-, has to be transacted through bank draft or cheque or through an electronic clearing system. When the complainant was cross-examined, he stated that the mode of transaction was mentioned in the promissory note executed by the petitioner and exhibited as Ext.-1. But, in Ext.-1, there was no mention of the mode of transaction.
8. The issues raised above can only be considered at the time of detailed hearing.
9. It is further submitted on behalf of the petitioner that subject to a direction to deposit of a reasonable amount out of the fine amount imposed, the execution of the sentence, passed against the petitioner, be suspended. Having regard to the provisions contained in

Section 148A of the NI Act and the fact situation obtaining the case in hand, this Court is of the considered view that subject to deposit of 25% of the fine amount of Rs. 9,00,000/-, imposed by the Trial Court and affirmed by the Appellate Court, within a period of sixty days from today before the Registry of this Court, the execution of the remaining part of the sentence passed by the Trial Court and affirmed by the Appellate Court can be suspended. It is accordingly ordered. The petitioner shall deposit a sum of Rs. 2,25,000/- before the Registry of this Court within a period of sixty days from today. Subject to deposit of the said amount of Rs. 2,25,000/-, it is ordered that the remaining part of the sentence passed against the Trial Court and the Appellate Court shall remain suspended till the returnable date. Consequently, the petitioner is allowed to go on bail on furnishing a bail bond of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Trial Court. Further order on the interim prayer will be made subject to placing a copy of the receipt evidencing deposit of the afore-said amount before this Court on the returnable date.

JUDGE

Comparing Assistant