



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 224 of 2026

Sri Basanta @ Basanta Petitioner
Kumar Malik

Mr. A.K. Rout, Advocate

-versus-

1. Khagendra Prasad Opposite Parties
Behera
2. State of Odisha

Mr. C.R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
31.03.2026

Order No.

02. 1. Heard.
2. Assailing the order dated 06.01.2026 passed by the learned Additional Sessions Judge, Balasore in Criminal Appeal No.71 of 2024 rejecting the prayer of the Petitioner claiming waiver of deposit under Section 148 of NI Act, the present writ petition has been preferred.
3. Admittedly the Petitioner has been found guilty for commission of offence under Section 138 of NI Act by judgment dated 27.09.2024 by the learned J.M.F.C., Balasore in 1CC Case No.494 of 2019 and by the said judgment, the Petitioner was directed to pay the compensation to the tune of Rs.5,00,000/- and in default to undergo SI for a term of two months.



4. By the impugned order, the learned Appellate Court rejected the prayer of the Petitioner seeking waiver of deposit of 20% and thereby directed that he has got no right to proceed with the appeal and accordingly dismissed the same.

5. In passing such order, the learned Appellate Court referred to the order passed by this Court dated 12.09.2025 in CRLREV No.37 of 2025 at the behest of the Petitioner during the currency of trial.

6. It is submitted by the learned counsel for the Petitioner that because of financial constraint, the Petitioner is not able to deposit that amount since he is a daily wage earner and the same is also borne out from the evidence on record hence that ought to have been weighed with the learned Appellate Court in considering his prayer.

7. Taking into account the stand of the learned counsel for the Petitioner, this Court directs issuance of notice to the Opposite Party No.1 by Speed Post. Requisites shall be filed by 07.04.2026.

8. List this matter on 12.05.2026.

(V. Narasingh)
Judge

I.A. No.380 of 2026

Order No.

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| 03. | 1. | Heard. |
| | 2. | Issue notice as above. |
| | 3. | Accept one set of process fee. |



4. It is stated by the learned counsel for the Petitioner that in the meanwhile NBW has been issued for non-compliance, in terms of the order passed by the learned Magistrate, the appeal having been dismissed.

5. Considering that this Court has issued notice in the connected Criminal Revision, it is directed that in the event the Petitioner deposit a sum of Rs.25,000/- (Rupees Twenty five Thousand) without prejudice to the rights and contentions of the parties within a period of one month hence, no coercive action shall be taken against the Petitioner.

6. UCC as per rules.

(V. Narasingh)
Judge

Ayesha