



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.224 of 2025

Sheikh Arshad

... ***Petitioner***

Mr. J. Sahoo, Advocate

-versus-

State of Odisha and another

... ***Opposite Parties***

Mr. R.B. Mishra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
03.05.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This criminal revision is directed against the judgment dated 19.02.2025 passed by the learned Sessions Judge, Kalahandi, Bhawanipatna in Criminal Appeal No.19 of 2024 confirming the conviction and sentence of the revision-petitioner as recorded by the learned Sub-Divisional Judicial Magistrate, Bhawanipatna, Kalahandi vide judgment dated 12.04.2024 in 1CC Case No.52 of 2020(T.R. Case No.462 of 2022) convicting the revision-petitioner for commission of offence U/S.138 of NI Act and sentencing him to pay compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) only in default whereof, to undergo Simple Imprisonment for a period of three months.
3. Heard, Mr. Jyotirmaya Sahoo, learned counsel for the revision-petitioner and Mr. R.B. Mishra, learned



Additional Public Prosecutor in the matter and perused the record.

4. Admit. Issue notice to OPNo.2 through Speed Post/Registered Post with AD by fixing a short returnable date. Requisites for issuance of notice against OPNo.2 shall be filed within three working days.

5. The digitized/soft copy of the LCR/TCR be called for from the learned trial Court.

6. List this matter on 07.07.2025.

I.A. No.341 of 2025

7. This is an application by the revision-petitioner for stay realization of compensation amount as imposed on the revision-petitioner under the impugned judgment.

8. Heard, Mr. Jyotirmaya Sahoo, learned counsel for the revision-petitioner and Mr. R.B. Mishra, learned Additional Public Prosecutor in the matter and perused the record.

9. Admittedly, the revision-petitioner has been sentenced to pay compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) in default whereof, to undergo Simple Imprisonment for a period of three months, however, fact remains that Sec.148 of NI Act provides powers to be exercised by the Appellate forum, but Sec.438 read with 442 of the BNSS prescribes the power exercisable under Appellate jurisdiction can be exercised in Revisional Jurisdiction and this Court, therefore, in exercise of power U/S.148 of NI Act read



with 438/442 of BNSS considers it in the interest of justice to stay the realization of compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) from the revision-petitioner, subject to condition the revision-petitioner depositing 20% of the compensation amount before the learned convicting Court within 60 days hence.

It is, however, clarified that no coercive action shall be taken against the revision-petitioner for 60 days from today for realization of compensation amount. Needless to say, the benefit of this order shall not be extended to the revision-petitioner, if he fails to deposit the 20% of the compensation amount within 60 days hence as ordered.

IA No.340 of 2025

10. This is an application U/Ss.438/442 of the BNSS by the revision-petitioner for grant of bail and suspension of sentence, but the revision-petitioner having not sentenced to any substantive sentence and the sentence being only for payment of compensation amount by the revision-petitioner with default sentence which having already stayed by this Court in IA No.341 of 2025 subject to certain conditions, the present IA becomes redundant and otiose.

11. The IA stands disposed of accordingly.

(G. Satapathy)
Judge