



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1717 of 2025

Rabindra Kumar Swain

....

Petitioner(s)

Mr. Niranjan Panda, Adv.

-versus-

Manindra Nath Jena

....

Opposite Party(s)

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

10.02.2026

03.

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. By filing this application under Section 482 of the Cr.P.C., the Petitioner seeks waiver of the direction to deposit 20% of the compensation amount i.e. Rs.9,00,000/- (rupees nine lakhs), vide order dated 19.04.2025 passed by the learned Addl. Sessions Judge, Jaipur in Criminal Appeal No.23 of 2025.
4. Learned counsel for the Petitioner, at the outset, contends that the present Petitioner, who was an accused in 1 C.C. Case No.204 of 2021 for alleged commission of an offence punishable under Section 138 of N.I. Act, faced trial before the Court of learned J.M.F.C., Jaipur Road. The Petitioner has been convicted vide the judgment of conviction and order of sentence dated 12.03.2025 passed by the learned J.M.F.C., Jaipur Road for the offence under

Signature Not
Verified
Digital
Signed by: SUPAN B. PANIGRAHI
Designation: Senior
Stenographer
Reason: Authentication
Location: HIGH COURT OF
ORISSA, CUTTACK
Date: 12-Feb-2025 19:09:38



Section 138 of N.I. Act and sentenced to undergo S.I. for a period of one year and to pay a compensation of Rs.45,00,000/-.

5. Being aggrieved by the said judgment of conviction and order of sentence, the Petitioner preferred Criminal Appeal No.23 of 2025 before the learned Addl. Sessions Judge, Jaipur. The said appeal was admitted and the sentence was suspended. However, while admitting the appeal, the learned Addl. Sessions Judge, Jaipur vide order dated 19.04.2025, directed the Petitioner to deposit 20% of the compensation amount in terms of Section 148 of the N.I. Act.

6. Assailing the aforesaid direction relating to deposit of 20% of the compensation amount, the present petition has been filed before this Court.

7. On perusal of the impugned order dated 19.04.2025, it reveals that the learned Addl. Sessions Judge, Jaipur suspended the sentence imposed against the Petitioner and enlarged him on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with one fit and solvent surety for the like amount to the satisfaction of the learned trial Court. It further reveals that the Petitioner had filed a petition seeking waiver of the statutory deposit under Section 148(1) of the N.I. Act, which was rejected. The learned Appellate Court observed that the Petitioner is engaged in tyre business, so, no exceptional circumstances were made out to deviate from the mandate of Section 148(1) of the



N.I. Act and, accordingly, directed the Petitioner to deposit the 20% of compensation amount.

8. Learned counsel for the Petitioner, placing reliance on the decision of the Supreme Court in *Jamboo Bhandari vs. Madhya Pradesh State Industrial Development Corporation Ltd. & Ors.*¹ contends that though Section 148 of the N.I. Act empowers the Appellate Court to direct deposit of 20% of the compensation amount, such power is discretionary in nature. He further submits that the provision contained in Section 148 of N.I. Act requires purposive interpretation of the law. It is further submitted that where the Appellate Court would ordinarily be permitted to direct the appellant to deposit 20 percent of the amount awarded, there could be exceptional circumstances. Such circumstance would apply only when they would unfairly hinder or effectively block the appellant's right to appeal. The Supreme Court had further stated that such exceptions must be backed by properly recorded the reasons.

9. On careful analysis of the submission advanced by the learned counsel for the Petitioner taking note of the judgment of the Supreme Court in *Jamboo Bhandari* (supra), this Court is of the view that the matter requires reconsideration by the learned trial Court in terms of the judgment in *Jamboo Bhandari* (supra). Accordingly, that part of the order dated 19.04.2025 with regard to deposit of 20% of the compensation amount in terms of Section

¹ (2023) 10 SCC 4461



148 of N.I. Act is set aside and the matter is remanded back to the learned trial Court. The Petitioner is granted liberty to move an application seeking exemption by citing reasons and in such eventuality, the learned trial Court shall consider the prayer of the Petitioner for such exemption keeping in view the principle laid down by the Supreme Court in *Jamboo Bhandari* (supra). It is further directed that in the event the Petitioner files such an application within two weeks from the date of this order, the learned trial Court shall do well to consider such application within four weeks thereafter.

10. With the aforesaid direction/observation, the CRLMC stands disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge