

02.07.2024

13

&

14

jb.

jdt

**CRR 2425 of 2023
with
CRAN 1 of 2023
In re: Ishwari Prasad Tantia
and
CRR 2478 of 2023
with
CRAN 1 of 2023
In re: M/s Tantia Construction Limited**

**Mr. Ayan Bhattacharjee
Mr. Indrajeet Adhikary
Mr. Amitabrata Hait
Mr. Suman Majumder
... For the Petitioner (CRR 2425/2023)
Mr. Ayan Bhattacharjee
Mr. Aditya Ratan Tewary
Mr. Suman Majumder
... For the Petitioner(CRR 2478/2023)
Ms. Sarmistha Basak
... For the Opposite Party**

Heard learned counsels for the parties.

The petitioner seeks stay of the portion of the order impugned passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Appeal nos. 94 of 2023 and 95 of 2023 on 12th June, 2023 directing the petitioner to deposit 20% of the fine amount before the learned trial Court as security deposit within 13th July, 2023 as pre-condition for admission of appeal.

With regard to CRR 2425 of 2023, learned counsel for the petitioner submits that since the petitioner is not the drawer of the cheque and may be a signatory of the same

as representative of the company he is not liable to deposit the said amount in terms of Section 148 of the Negotiable Instruments Act, 1881. With regard to CRR 2478 of 2023, learned counsel for the petitioner submits that since the petitioner company is protected under Section 32A of the Insolvency and Bankruptcy Code, the company should have been exonerated from the liability and is not liable to deposit the amount as directed in terms of Section 148 of the 1881 Act.

It appears from the material on record that the matter needs to be heard on merits.

Let the matter appear under the heading 'Contested Application' on 30th July, 2024.

The portion of the order impugned passed by the learned Chief Judge, City Sessions Court, Calcutta on 12th June, 2023 in Criminal Appeal nos. 94 of 2023 and 95 of 2023 to the effect that the petitioner/appellant be directed to deposit 20% of the fine amount before the learned trial Court be stayed till 31st August 2024 or until further orders, whichever is earlier.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)