

17.06.2026
Item No21 &22
Ct. No. 34
nb

CRR 4413 of 2024
With
IA No. CRAN 1 of 2026
+
CRAN 2 of 2026
With
CRR 4414 of 2024
+
I.A. No. CRAN 1 of 2026
+
CRAN 2 of 2026

In the matter of: **Maumita Mishra.**

..... petitioner.

Mr. Uday Sankar Chattopadhyay,
Ms. Rajashree Tah,
Ms. Trisha Rakshit,
Ms. Aishwarya Datta,
Ms. Sadia Tarveen

....For the Petitioner.

Mr. Satadru Lahiri,
Mr. Syed Wasim Faruque,
..... for the O.P. No.2.

In Re. IA No. CRAN 2 of 2026
+
(In CRR 4413 of 2024)
+
(In CRR 4413 of 2024)

1. This application has been filed for modification of the condition of order dated April 1, 2026 passed by the learned Co-ordinate Bench while admitting criminal revisional application, which was filed against the order passed by the learned Appellate Court and affirming the judgment of conviction passed by the learned Magistrate.

2. It is submitted by the learned counsel for the petitioner that the present petitioner/accused is an un-employed lady and by virtue of such order, the entire amount has been directed to be deposited but, she is not in a position to deposit the same and prayed for relaxation of such condition and she can only filed 50% of the total amount..

3. Learned counsel representing the opposite party raised vehement objection and submits that the order was passed by the learned Co-ordinate Bench on April 1, 2026 and the application for modification has been filed on May 8, 2026. No such application was filed by the petitioner before within stipulated time period for relaxation and she filed the application long thereafter on 8th May 2026, after the change of determination.

4. It is further submitted that it lies within the discretion of the Court to pass any conditional order of stay regarding the quantum to be deposited in a proceeding under Section 138 of the N.I. Act where order of conviction has been passed by the learned Magistrate affirmed by the Court of Appeal.

5. Having heard both the learned counsel for the parties and perused the record and the order passed by the Co-ordinate Bench, it appears that the learned Co-ordinate bench considered the facts and circumstances of the case and also the payment made by the present petitioner of Rs.2,40,000/- pursuant to the direction of the Court. Thereafter, the revisional application was

admitted and passed an order of stay with a condition directing the petitioner to deposit a sum of Rs.9,60,000/- on or before April 30, 2026 before the learned Registrar General of this Court but, such order has not yet been complied with. Since, the order was passed by the Co-ordinate Bench, this Court is not in a position to modify/relax of any such conditional order excepting relating the period that granted by the learned Co-ordinate Bench and the period can be extended to enable to enable the petitioner to comply with the direction passed by the learned Co-ordinate bench.

6. Accordingly, the prayer as made on behalf of the petitioner cannot be considered and hence, the same stands rejected.

7. The petitioner is granted liberty to deposit the said amount with the learned Registrar General within August 17, 2026 and the rest of the condition, as imposed, be followed by the learned Registrar General, High Court at Calcutta if such amount is deposited.

8. Accordingly, both the applications being, IA No. CRAN 2 of 2026 (In CRR 4413 of 2024) and CRAN 2 of 2026 (In CRR 4413 of 2024) stand disposed of.

9. Both the revisional applications be listed for hearing in the Combined Monthly of August, 2026 under the heading "Contested Application".

10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)