

ITEM NO.13

Virtual Court 6

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SMISCELLANEOUS APPLICATION Diary No(s). 10254/2020 in SLP(Cr1)  
Nos.4428-29/2019

DIPTI RANJAN MOHAPATRA

Petitioner(s)

VERSUS

MAYADHAR NAYAK &amp; ANR.

Respondent(s)

( IA No. 50676/2020 - CONDONATION OF DELAY IN FILING  
IA No. 46306/2020 - RECALLING THE COURTS ORDER)

Date : 19-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE KRISHNA MURARI  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Krishna Dev Jagarlamudi, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Delay in filing application for modification is  
condoned.

The petitioner was convicted under Section 138 of the  
Negotiable Instruments Act, 1881 and directed to undergo  
simple imprisonment for a period of 6 months and pay  
compensation of Rs.5 Lakhs failing which he shall undergo  
further imprisonment of 6 months. The conviction and  
sentence was affirmed by the High Court. The petitioner  
filed the above Special Leave Petitions challenging the  
order of the High Court.

By an Order dated 10.5.2019, the petitioner was directed to deposit an amount of Rs.4.5 Lakhs in addition to Rs.3 Lakhs which had already been deposited with the Registry of the High Court of Orissa within four weeks. On such condition, notice was issued in the Special Leave Petitions.

Further period of four weeks was granted for making the deposit by an Order dated 2.8.2019. There was yet another extension of time of four weeks for deposit of the amount as directed by this Court on 6.9.2019. By the said order, this Court directed that the Special Leave Petitions shall stand dismissed if the deposit would not be made within a period of four weeks. As the amount of Rs.4.5 Lakhs was not deposited in the Registry of this Court within the time given by this Order by the Order dated 6.9.2019, the Special Leave Petitions stood dismissed.

I.A. No.46306 of 2020 is filed for recall of the Order dated 6.9.2019. Learned counsel for the petitioner submitted that the petitioner is a fourth class employee working in the Government of Orissa and was unable to deposit the amount as directed in view of lack of funds. He submits that a relative of the petitioner sold his property and gave a loan of the amount of Rs.4.5 Lakhs which the petitioner is willing to deposit before the Registry of this Court within one week.

Issue notice subject to the petitioner depositing an amount of Rs.5.5 Lakhs with the Registry of this Court

within a period of one week from today. In case of default, the Misc. Application(s) as well as Interlocutory Application shall stand dismissed without further reference to this Court.

(GEETA AHUJA)  
COURT MASTER (SH)

(ANAND PRAKASH)  
BRANCH OFFICER