



2025:UHC:4070

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Misc Application No. 655 of 2025**

**16 May, 2025**

Charanjeet Singh

--Petitioner

**Versus**

State of Uttarakhand & Another

--Respondents

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**Presence:-**

Mr. Vijay Bhatt, Advocate for the petitioner.

Mr. Mr. Deepak Bisht, learned D.A.G. for the State.

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**Hon'ble Vivek Bharti Sharma, J.**

This criminal misc. application is filed under Section 528 of B.N.S.S. by the petitioner/accused for quashing of the impugned order dated 05.05.2025 passed by the learned Additional District & Session Judge, Khatima, District Udham Singh Nagar in Criminal Appeal No.13 of 2025, whereby the petitioner has been directed to deposit 20 percent of the sentencing amount passed by the trial court.

2. Learned counsel for the petitioner/accused would submit that respondent no.2/complainant filed a criminal case against the present



petitioner/accused under Section 138 of Negotiable Instruments Act, 1881 (*the Act* for short); that, learned trial court, vide order dated 30.01.2025, without looking the legal aspects of the case convicted the petitioner/accused under Section 138 of the Act and sentenced for one year rigorous imprisonment with a fine of ₹ 10,50,000/-.

He would further submit that the petitioner/accused preferred a Criminal Appeal No. 13 of 2025 against the said order before learned Additional District & Session Judge, Khatima, Udham Singh Nagar alongwith a stay and bail application seeking an interim order to stay the recovery of sentencing amount.

3. Learned counsel for the petitioner/accused would submit that respondent no.2/complainant has failed to comply the mandatory provisions of the Act; that, documents produced by respondent no.2/complainant have not been proved; that, there are contradictions in the statements of the affidavit and cross-examination of respondent no.2/complainant.



4. Learned State counsel would vehemently oppose the submissions made by the learned counsel for the petitioner/accused and would submit that the petitioner/accused has taken many grounds in his petition but to substantiate those grounds he has neither filed any statement of the witnesses nor highlighted the portion of the evidences which supports the grounds taken in the petition but has only filed a certified copy of the impugned order. Moreover, the learned trial court has passed the detailed order on merit after ascertaining all the facts and evidences available before the court below.

He would further submit that sub-section 1 of Section 148 of the Act says that:

***“148. Power of Appellate Court to order payment pending appeal against conviction.-***

*(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), in an appeal by the drawer against conviction under Section 138, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of*



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*twenty per cent. of the fine or compensation  
awarded by the trial court.”*

As such, the order dated 05.05.2025 passed  
by the learned appellate court is in accordance with  
law.

5. Having considered the submissions made  
by the learned counsel for the parties and perused  
the record, the present petition is hereby dismissed *in  
limine*.

6. Copy of this order be sent to the learned  
court concerned for information.

**(Vivek Bharti Sharma, J.)**  
16.05.2025

Akash