

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CRM(M) 224/2026 CrIM(526/2026)

C/W

CRM(M) 225/2026 CrIM(527/2026)

CrIM(606/2026)

**Tariq Ahmad Bhat, Aged 45 Years
S/O Abdul Rasheed Bhat
R/O Reban Tehsil Watergam,
District Baramulla**

...Appellant(s)/Petitioner(s)

Through: Mr. Hussain Rashid, Advocate

Vs.

**Mohammad Maqbool Dar
S/O Abdul Aziz Dar
R/O Super Naghama Karalgund
Prop. M/S Mustaqeem Fruit Fud No. 9
Shop No. 9 [A] Fruit Mandi Sopore**

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE.

ORDER

04.05.2026

CRM(M) 224/2026:

Petitioner, through the medium of this petition seeks quashment of order dated 31.12.2025, passed by the court of learned Additional Sessions Judge, Sopore, to the extent of, deposition of 20% compensation in a criminal appeal, arising out of a complaint under Section 138 of the Negotiable Instruments Act, wherein the petitioner has been convicted.

Learned counsel for the petitioner submits that the petitioner is aggrieved to the extent of ordering him to deposit 20% of the total cheque amount within a period of 60 days from the date of the impugned order. He further submits that the deposit is not mandatory and also that the appellate court is under an obligation to assign reasons for directing the convicted appellant to deposit the amount in terms of Section 148 of Negotiable Instruments Act.

After arguing for a while, learned counsel for the petitioner submits that the petitioner would be satisfied in case the petitioner is permitted to move an application before the court below for the reconsideration of the impugned order to the extent of deposit of the amount, so that he may be able to show that the

deposit shall operate harshly on him and that he had a good chance of acquittal from the conviction recorded against him.

In view of the submission made by the learned counsel for the petitioner, the present petition is disposed of at this motion stage, with liberty to the petitioner to approach the appellate court with an application seeking reconsideration of the impugned order to the extent of deposit of the amount. It will be in the interest of justice that the learned Trial Court passes the order after hearing both the parties.

Accordingly, the present petition is **disposed** of, at this motion stage, on the above terms.

CrIM 606/2026 in CRM(M) 225/2026:

This application has been moved by the applicant to place on record certain documents including application for suspension of sentence.

For the reasons assigned in the application and submissions urged at the Bar, the application is allowed and the documents annexed to the application are taken on record.

CrIM 606/2026 is **disposed** of.

CRM(M) 225/2026:

Petitioner, through the medium of this petition seeks quashment of order dated 31.12.2025, passed by the court of learned Additional Sessions Judge, Sopore, in conviction appeal titled "*Tariq Ahmad Bhat Vs. Mohammad Maqbool Dar*" to the extent of, deposition of 20% compensation in a criminal appeal, arising out of a complaint under Section 138 of the Negotiable Instruments Act, wherein the petitioner has been convicted.

Learned counsel for the petitioner submits that the petitioner is aggrieved to the extent of ordering him to deposit 20% of the total cheque amount within a period of 60 days from the date of the impugned order. He further submits that the deposit is not mandatory and also that the appellate court is under an obligation to assign reasons for directing the appellant convicted to deposit the amount in terms of Section 148 of Negotiable Instruments Act.

After arguing for a while, learned counsel for the petitioner submits that the petitioner would be satisfied in case the petitioner is permitted to move an application before the court below for the consideration of the impugned order to the extent of deposit of the amount so that he may be able to show that the

deposit shall operate harshly on him and that he had a good chance of acquittal from the conviction recorded against him.

In view of the submission made by the learned counsel for the petitioner, the present petition is disposed of at this motion stage, with liberty to the petitioner to approach the appellate court with an application seeking reconsideration of the impugned order to the extent of deposit of the amount. It will be in the interest of justice that the learned Trial Court passes the order after hearing both the parties.

Accordingly, the present petition is **disposed** of, at this motion stage, on the above terms.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR:
04.05.2026
“Adil Ismail”

