

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1071 of 2026

Reserved on: 28.9.2026

Date of Decision: 05.10.2026.

M/s Lashpa Enterprises & anr. Petitioners

Versus

Rajan Chopra Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No.

For the Petitioners : M/s Atul G. Sood and Dhale
Ram, Advocates.

For the Respondent : Nemo.

Rakesh Kainthla, Judge

The petitioners have filed the present petition for setting aside the order dated 21.07.2026, passed by learned Additional Sessions Judge, Kullu, District Kullu (learned Appellate Court), in Cr.M.P. No. 290 of 2026, and for grant of reasonable time to comply with the condition of deposit of 20% of the compensation amount while suspending the sentence.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2. It has been submitted that the petitioners were convicted and sentenced by learned Judicial Magistrate First Class, Manali (learned Trial Court), in Complaint No. 33 of 2023, titled *Rajan Chopra v. Lashpa Enterprises and Anr.* The petitioners filed an appeal, and the learned Appellate Court suspended the sentence imposed upon the petitioners, subject to their furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the learned trial Court and depositing 20% of the compensation amount within 60 days, vide order dated 23.03.2026. The petitioners could not comply with the order within the time granted by the learned Appellate Court. They filed an application for extension, which was allowed on 11.06.2026, and time was extended till 22.07.2026. The petitioners again failed to comply with the order and approached the learned Appellate Court by filing Cr.M.P. No. 290 of 2026 seeking extension of time to comply with the condition. The learned Appellate Court dismissed the application on the ground that the maximum period of 90 days prescribed under Section 148 of the Negotiable Instruments Act had already expired on 23.06.2026. The order passed by the learned Appellate Court would expose the petitioners to imprisonment and would

deprive them of the benefit of the suspension of the sentence. This Court has the discretion to extend the time granted under Section 148. Therefore, it was prayed that the present petition be allowed and the time granted by the learned Appellate Court be extended.

3. Mr Atul G. Sood and Mr Dhale Ram, learned counsel for the petitioner, submitted that this Court has the discretion to extend the time granted under Section 148 of the N.I. Act. The petitioner could not comply with the direction passed by the Court due to circumstances beyond their control. They were ready to comply with the direction. Hence, it was prayed that the present petition be allowed and the time granted by the Court be extended. He relied upon the judgments in *Davinder Singh Vs. Atul Kumar and Anr.* 2024:PHHC:153714, *Sandeep Kumar Vs. State of H.P. & Anr.* 2024:HHC:15202, *Sanjeev Kumar Vs. Satish Kumar* 2024:HHC:680, *Dinesh Kumar Vs. State of HP and Anr.* Cr.mmo No. 462 of 2024, decided on 31.5.2024; and *Surinder Singh Deswal @ Col. S.S. Deswal and ors. Vs. Virender Gandhi*, 2019 AIR (SC) in support of his submission.

4. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

5. It is undisputed that the learned Appellate Court had suspended the sentence on 23.03.2026, and the period of 90 days prescribed under Section 148(2) had expired on 22.06.2026. Section 148(2) of the Negotiable Instruments (NI) Act provides that the amount of compensation is to be deposited within 60 days, which can be extended by a period not exceeding 30 days on sufficient cause being shown. This Court held in *Cr. MMO No. 1179 of 2023, titled Surinder Singh Vs. Dharam Singh & Anr., decided on 14.12.2023*, that the period of 90 days cannot be extended by taking recourse to the inherent jurisdiction.

6. This Court had referred the question whether the period of 90 days prescribed in Section 148(2) of the N.I. Act is directory or mandatory, or can be extended by the Appellate Court or by this Court, to a larger Bench in *Cr.MMO No. 1278 of 2023, titled Dharmender Singh v. Pradeep Kumar*. The Hon'ble Division Bench held that the Court has already taken a view in *Surender Singh* (supra) that the provisions of Section 148(2) of the N.I. Act are mandatory and cannot be extended beyond 90

days. The judgments passed by the coordinate Benches had not decided this question and had merely extended the time; therefore, they would not constitute a conflicting opinion.

7. In view of the authoritative judgment of the Hon'ble Division Bench in *Dharmender Singh* (supra), and the judgment passed by this Court in *Surender Singh* (supra), this Court cannot extend the time of 90 days granted to deposit the compensation; hence, the judgments cited on behalf of the petitioner in *Sandeep Kumar* (supra), *Sanjeev Kumar* (supra), and *Dinesh Kumar* (supra), wherein the time was merely extended but the question of jurisdiction of the Court to enlarge the time was not decided, cannot be followed. This Court is bound by the judgment passed by this Court, and the judgment of the Punjab and Haryana High Court in *Davinder Singh* (supra) cannot be followed.

8. In *Surender Singh Deswal* (supra), the Hon'ble Supreme Court held that the Appellate Court had discretion not to insist upon the deposit of 20% of the cheque amount. The learned Appellate Court has already exercised the discretion, which has not been challenged; therefore, the cited judgment does not apply to the present case.

9. In view of the above, the present petition is not maintainable before this Court, and it is dismissed.

10. The observations made hereinbefore shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

5th October, 2026
(Chander)