

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.24651 of 2015

Date of Decision:-18.12.2015

Devender Kumar Sharma @ Dev.

.....Petitioner.

Versus

Gaurav Enterprises.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vaibhav Sehgal, Advocate for the Petitioner.

None for the respondent.

JASWANT SINGH, J.(ORAL)

Petitioner has been convicted for an offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for six months along with payment of compensation to the tune of Rs.5 lacs vide judgment and order of sentence dated 01.06.2015/04.06.2015 passed by the learned JMJC, Hansi.

The petitioner thereafter filed an appeal along with an application for suspension of sentence. The sentence was ordered to be suspended subject to deposit of a sum of Rs.2 lacs towards part payment of compensation vide impugned order dated 3.7.2015 (P-1). Hence the present petition under Section 482 Cr.PC.

It was argued that the condition of deposit of Rs.2 lacs was

extremely harsh for suspending the sentence during the pendency of the appeal.

This Court vide order dated 30.07.2015 stayed the deposit of Rs.2 lacs while issuing notice of motion. Further direction was issued to the lower Appellate Court to dispose of the pending appeal expeditiously.

At the time of hearing it is submitted that appeal is now listed for hearing on 11.01.2016. Since the primary relief claimed was against the condition of Rs.2 lacs, this petition is not required to await the decision of the appeal.

Accordingly, the present petition is disposed of with a direction to the Appellate Court to decide the pending appeal without insisting on the condition of deposit of Rs.2 lacs for securing the suspension of sentence.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

December 18, 2015
Vinay