

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-4746 of 2015 (O&M)
Date of Decision: 27.04.2015

Sukhdev

...Petitioner

Versus

The Karnal Central Coop Bank Ltd.

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Surender Deswal, Advocate
for the petitioner.

Mr. Sachin Gupta, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

Prayer made in the instant petition is for quashing of impugned order dated 17.01.2015 vide which the application dated 17.01.2015 (Annexure P-5) moved by petitioner for submitting bail bonds and acceptance of bail and surety bonds was dismissed.

I have heard learned counsel for the parties and perused the paper book.

Petitioner was convicted and sentenced for offence under Section 138 of the Negotiable Instruments Act. He preferred appeal against the judgment of conviction and sentence and the learned Appellate Court passed the order on 24.12.2014 directing the issuance of notice to the complainant.

Learned counsel for the petitioner submits that application

for suspension of sentence was filed alongwith appeal but it seems that no specific prayer was made for suspension of sentence when notice of motion was issued. That, however, seems to be a technical issue which should not be gone into because petitioner by now has appeared before the Appellate Court in deference to the order dated 12.02.2015 and furnished bail bonds.

Learned counsel for the respondent, however, submits that the trial Court had suspended the sentence upto 28.12.2014 and further bail bonds could be furnished, only if the Appellate Court allowed the application for suspension of sentence.

In view of the circumstances of the case, when notice in the appeal has already been issued, the Appellate Court should have normally passed the order for suspension of sentence as the prayer to that effect was not declined.

Therefore, the instant petition is disposed of with a direction to the Appellate Court to pass specific order on the prayer for suspension of sentence and bail bonds earlier furnished in deference to the order of 12.02.2015 will continue.

In the meanwhile, till the specific order on the application is passed by the Appellate Court, it shall be deemed that sentence has been suspended. The appellate Court is directed to pass the specific order on the prayer for suspension of sentence on the next date to be fixed by it.

(R.P. Nagrath)
Judge

27.04.2015
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