

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRL. MISC. No.M-34098 OF 2016
DATE OF DECISION : 15th MARCH, 2017**

Amit

.... Petitioner

Versus

State of U. T. Chandigarh & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : None for the petitioner.

Mr. Rajiv Sharma, Advocate for U. T. Chandigarh.

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A. B. CHAUDHARI, J. (ORAL)

None has appeared for the petitioner today. Even on 16.11.2016 none appeared for the petitioner.

I have perused the petition and heard learned counsel for the UT, Chandigarh.

It appears that the petitioner was convicted by the trial Court for offence punishable under Section 138 of Negotiable Instruments Act in respect of bouncing of cheque in the sum of ₹1,80,000/-. It further appeared that thereafter he filed an appeal before the first appellate Court but there was a delay in filing the appeal, therefore, his application for suspension of sentence has not been considered. The sentenced awarded to him is one year.

In my opinion, the appeal before the first appellate court being statutory appeal and looking to the amount of cheque in the sum of

₹1,80,000/- and looking to the further fact that delay in filing the appeal before the court below is only of seven days, the petitioner would be entitled to the grant of suspension of sentence. However, since the issue is pending before the first appellate Court this court makes an order allowing the suspension of sentence awarded by the trial Court on 16.07.2016 for a limited period.

In that view of the matter, the following order is passed:

ORDER

- (i) The CRL. MISC. No.M-34098 OF 2016 is disposed of.
- (ii) Sentence awarded to the petitioner vide order dated 16.07.2016 by the trial court is suspended for a period of 2 months from the date of his release, subject to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The lower appellate Court shall decide the application for condonation of delay, which is only said to be of seven days, at the earliest and in any case within fifteen days from today.
- (iv) Learned lower appellate court shall simultaneously consider the application for suspension of sentence which shall also include imposition of terms and conditions for suspension of sentence as per the prevalent law.

15th MARCH, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No