

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

CRM-M No. 27971 of 2018

Date of Decision:-13.12.2018

V.K. Gupta

...Petitioner

Versus

Ritesh Gupta and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Akshay Jain, Advocate
for the petitioner.

None for respondent No.1.

Mr. Sukhdeep Parmar, DAG, Haryana
for respondent No.3-State.

MANOJ BAJAJ J.(Oral)

This petition was filed by the convict to challenge the order dated 28.5.2018 passed by the Appellate Court, whereby a sum of ₹5,00,000/-, in the shape of bank draft/Bank Guarantee/FDR was ordered to be paid by the convict under Section 357(2) Cr.P.C., at the time of suspension of sentence.

On 09.7.2016, this Court has relaxed the condition by reducing the amount from ₹5,00,000/- to ₹2,50,000/-. The order reads as under :-

“Learned counsel for petitioner submits that the Appellate Court, as per provisions of Section 357 (2) of

Cr.P.C, while suspending the sentence could not put the term to direct the petitioner to furnish surety bond/bank guarantee or bank draft etc. of the amount or part of the amount ordered to be paid as compensation.

Notice of motion for 26.9.2018.

In the meanwhile, term of furnishing bank draft/bank guarantee of the amount of ₹5,00,000/- which has been ordered to be furnished by the court of appeal is relaxed to the extent that petitioner will furnish bank guarantee/demand draft of amount of ₹2,50,000/- within two weeks and on his furnishing of the same appellate court will release petitioner on bail by suspending his sentence.”

Learned counsel appearing on behalf of petitioner has produced the copy of order dated 25.7.2018 passed by the Sessions Judge, Faridabad, regarding compliance. Learned counsel contends that the requisite amount has been deposited by the petitioner and the sentence has already been suspended by the Appellate Court.

In view of the relaxation extended by this Court and further compliance made by the petitioner, nothing survives for adjudication.

This petition is rendered infructuous.

However, the Appellate Court shall proceed with the appeal in accordance with law.

December 13, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No