

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-51309 of 2018

Date of Decision: 21.11.2018

Karambir Singh

... Petitioner(s)

Versus

Balraj Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Jitender Dhanda, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 06.10.2018 (Annexure P2), whereby the learned Additional Sessions Judge, Hisar, while admitting the criminal appeal against the judgment of conviction and order of sentence dated 11.09.2018 passed by the learned Judicial Magistrate Ist Class Hisar under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”), ordered the petitioner to deposit a sum of 20% of the compensation amount before the learned trial Court. The period for deposit of said amount has already expired.

Learned counsel for the petitioner contended that no such order can be passed at the time of admission of appeal so as to direct the convict to deposit 20% of the amount of compensation. More so, the appeal is continuation of proceedings which were initiated in the year 2017 only and such an order is liable to be set aside.

In view of the facts of the case that petitioner has already been convicted and sentenced under Section 138 of the Act and the Court was well within its powers to order for deposit of 20% of the amount of cheque as compensation and as such there is nothing wrong with the order. However, to enable the petitioner to deposit the amount with the learned trial Court, present petition is accepted to the extent that he shall deposit an amount within a period of two weeks' from today.

(Shekher Dhawan)
Judge

November 21, 2018
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No