

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-476-2017 (O&M)

Date of Decision:-21.09.2018.

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Dhiraj Chawla, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Sumeet Singh Arora, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In this petition, petitioner has sought for quashing of the order dated 12.01.2017 passed by the Additional District and Sessions Judge, Kapurthala.

2.) While allowing application under Section 389 Cr.P.C. for suspension of sentence, Court of Additional Sessions Judge/Appellate Court imposed the condition in the order dated 12.01.2017 to deposit to the extent of 25 % of the total compensation amount as awarded in the judgment dated 16.12.2016. While entertaining application under Section 389 Cr.P.C., question of imposing any condition relating to deposit of awarded compensation is impermissible. Thus, Sessions Judge, Kapurthala has

exceeded his jurisdiction directing the petitioner to deposit 25% of the total

compensation amount with reference to award dated 16.12.2016. Accordingly, operation of order dated 12.01.2017 relating to the direction to the petitioner insofar as depositing 25 % of the total compensation amount ordered to deposit by the Trial Court vide judgment dated 16.12.2016 is set aside.

3.) Petition stands allowed.

4.) At this stage, learned counsel for the respondent No.2 submitted that matter is still pending consideration. Having regard to the dates and events, Court below is hereby directed to decide the appeal at the earliest within a period of six months. Parties are directed to co-operate in deciding the appeal.

(P.B. BAJANTHRI)
JUDGE

September 21, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.