

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

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CRM-M-2930-2019 (O & M)
Date of Decision:22.01.2019

Saroj Bala

...Petitioner

Versus

Amarpal

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.S. Jandiala, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Saroj Bala (complainant) has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of the impugned order dated 20.12.2018 (Annexure P-6) passed by the learned Appellate Court in Criminal Appeal No.457 dated 04.08.2018, whereby sentence imposed by the learned trial Court was suspended, during pendency of appeal.

The petitioner brought a criminal complaint No.870 dated 14.02.2017 under Section 138 of the Negotiable Instruments Act, 1881 against the respondent-Amarpal son of Rattan Chand. The trial in the said complaint ended in conviction and accused was imposed a sentence of rigorous imprisonment for a period of one year. Further compensation under Section 357 Cr.P.C. was awarded which was equivalent to the cheque amount along with 6% interest per annum from the date of cheque till date.

Aggrieved against the judgment of conviction and order of

sentence, respondent-Amarpal filed a criminal Appeal No.457 before the learned Appellate Court along with an application for suspension of sentence. The learned Appellate Court vide order dated 20.12.2018 proceeded to suspend the sentence at the time of hearing of the application before the learned Appellate Court. The complainant had opposed the concession on the ground that the convict be directed to deposit minimum 20% of the compensation amount as it is a pre-condition contemplated under Section 148 of the Negotiable Instruments Act. However, the learned Appellate Court did not find any favour with this argument and proceeded to suspend the sentence.

Aggrieved against the same, the petitioner/complainant has filed the present petition.

It is not disputed by the learned counsel for the petitioner that the learned trial Court while awarding compensation had itself kept the implementation of compensation part in abeyance till the decision of the appeal. At that stage, the said condition was not opposed by the petitioner and, therefore, by his own act and conduct, the complainant had consented for such postponement of the implementation of the compensation part awarded by the learned trial Court. There was no application filed by the complainant before the learned Appellate Court and, therefore, this Court does not find any reason to grant any indulgence in this petition.

In view of the above, petition stands dismissed.

22.01.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No