

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

**CRR No. 1194 of 2019
Date of decision: 17.05.2019.**

Aryanas Education and Charitable Trust

..... Petitioner.

Versus

Dena Bank

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. G.P.S. Bal, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the impugned order dated 28.03.2019 passed by the Appellate Court whereby the petitioner (accused) was directed to deposit 25% of the compensation amount awarded by the trial court within a period of 60 days in terms of Section 148 of the Negotiable Instruments Act, 1881 (NI 'Act' - for short).

Learned counsel for the petitioner contends that deposit of 25% of the compensation, which has been introduced through Section 148 of the NI Act, could not have retrospective operation, as it was brought in force on 04.08.2018, while the complaint in the instant case was filed on 03.03.2016.

The question with regard to the prospective operation of the amendment has been elaborately dealt by a Coordinate Bench of this Court in CRM-M No. 16741 of 2019, decided on 22.04.2019, wherein it has been held that Section 148 of the NI Act shall be applicable to the appeals, as the procedure for recovery of fine or compensation from the appellant in pending

appeal already existed in the Code of Criminal Procedure even before the amendment.

Consequently, I do not find any illegality in the impugned order and, therefore, the petition stands dismissed.

At this stage, learned counsel for the petitioner contends that he shall be preferring an application for extension of time for deposit of the amount before the Appellate Court in terms of Section 148 (2) of the NI Act and the Appellate Court may be directed to decide the same expeditiously.

In the event of the petitioner making such an application, the Appellate Court shall decide the same in accordance with law expeditiously.

(ANUPINDER SINGH GREWAL)
JUDGE

17.05.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No