

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

CRR No. 1760 of 2019 (O&M)

Date of decision: 12.09.2019.

Jai Parkash

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. M.R. Sharma, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the impugned order dated 17.04.2019 whereby the Appellate Court has directed the petitioner to deposit 20% of the cheque amount within a period of sixty days in terms of Section 148 of the Negotiable Instruments Act, 1881 ('NI Act' - for short) .

Learned counsel for the petitioner contends that the sentence of the petitioner had been suspended by the Appellate Court by order dated 16.04.2019. He also contends that the condition to deposit 20% of the cheque amount could not have been imposed subsequently by the Appellate Court. He also contends that deposit of 20% of the cheque amount, 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 22.12.2015.

Heard. The question with regard to 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 appellant in pending appeal already existed in the Cr.P.C. even before the amendment which has been upheld by the Supreme Court in the case of Surinder Singh Deswal @ Col. S.S. Deswal and others vs. Virender Gandhi, Criminal Appeal Nos. 917-944 of 2019 [arising out of SLP (Criminal) Nos. 4948-4975/2019] decided on 29.05.2019.

At this juncture, learned counsel for the petitioner submits that the petitioner is in financial difficulty and was legitimately pursuing his legal remedy, therefore, he may be granted some time to deposit 20% of the cheque amount. The Supreme Court in Surinder Singh Deswal's case (supra) had granted four weeks' further time to the appellants therein to make the payment.

Consequently, I do not find any infirmity in the impugned order and, therefore, the petition stands dismissed. However, the petitioner shall deposit 20% of the cheque amount within a period of four weeks from today.

(ANUPINDER SINGH GREWAL)
JUDGE

12.09.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No