

In the High Court of Punjab and Haryana at Chandigarh

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CRR-2103-2019 (O & M)

Date of Decision: August 28, 2019

RAJESH BHATIA

.....PETITIONER

VERSUS

JITENDER KUMAR

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.R.K. Bhatia, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the impugned order dated 05.03.2019 passed by the Appellate Court whereby the petitioner (accused) was directed to deposit 20% 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 20% 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 has been filed earlier. The question with regard to the prospective operation of the amendment has been elaborately dealt by a Coordinate Bench of this Court in **Criminal Misc.-M-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 Cr.P.C. even before the amendment which has been upheld by Supreme Court in the case of **Surinder Singh Deswal @ Col. S.S. Deswal and others vs. Virender Gandhi**, in Criminal Appeal Nos.917-944 of 2019 (arising out of SLP (Criminal) Nos.4948-4975/2019, dated 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 compensation amount. The Supreme Court in the case of **Surinder Singh Deswal** (supra) had granted 4 weeks further time to appellants therein to make the payment.

Consequently, I do not find any infirmity in the impugned order and the petition is dismissed. However, the petitioner shall deposit 20% of the compensation within a period of four weeks.

(ANUPINDER SINGH GREWAL)
JUDGE

August 28, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No