

S.No.119

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

CRM-M-38727 of 2019 (O&M)

Date of Decision:13.09.2019

Rekha

.....Petitioner

Vs.

M/s Godara Wine Plot No.77, Vikas Nagar, Hisar **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rose Gupta, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner for setting aside the impugned order dated 21.08.2019 passed by the learned Additional Sessions Judge, Hisar in Criminal Appeal No.95-CRA dated 21/22.08.2017 and CIS No.CRA/415/2017 in Criminal Complaint No.631-II dated 12.03.2013 whereby the learned Additional Sessions Judge, Hisar has ordered that in case petitioner fails to deposit 20% amount of compensation of Rs.88,70,000/- on or before 02.09.2019, the suspension of sentence of the petitioner shall be revoked.

Learned counsel for the petitioner relies upon a judgment passed by the co-ordinate Bench of this Court rendered in **CRM-M-29187 of 2019 – Vivek Sahni and another v. Kotak Mahindra Bank Ltd.** dated 18.07.2019; to submit that for the default in deposit of the amount of 20% as ordered to be deposited by the Lower Appellate Court, the order of suspension of sentence passed in favour of the appellant cannot be withdrawn.

Notice of motion.

Mr. Abhilaksh Gorver, Advocate, who is present in Court,

accepts notice on behalf of the complainant- respondent No.1. Mr. Manoj

Kumar Sangwan, DAG, Haryana, accepts notice on behalf of the State.

It is contended by counsel for the complainant that the complaint relates to a default of cheque, wayback in the year 2013. The petitioner has even been held guilty by the trial Court. Despite that, the respondent/ complainant is suffering because of the process of the Courts; which has unnecessarily been delayed by the petitioner. Therefore, the petitioner does not deserve any more concession from the Court.

In response to this, learned counsel for the petitioner submits that the petitioner has no intention to delay the proceedings of the appeal anymore. He is ready to finally argue the appeal at any time so that the Court can finally dispose of his appeal at any time, may be even within a period of one month from today.

Learned counsel for the complainant, also submits that if the petitioner is protected against his arrest, then the Lower Appellate Court be directed to take a final decision on the appeal itself; within a time bound frame.

In view of the above, the present petition is disposed of and the Lower Appellate Court is directed to decide the appeal itself within a period of one month from today. Till the decision of the appeal by the Lower Appellate Court, the petitioner shall not be arrested. However, this protection shall not be continued beyond a period of one month; if the petitioner seeks any adjournment from the Lower Appellate Court.

September 13, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No