

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

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CRR No.2644 of 2019 (O&M)

Date of decision : 14.10.2019

Mahi Pal Arya

... Petitioner

Versus

Sudesh Rani

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ravi Malik, Advocate for
Mr. S.K. Panwar, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the impugned order dated 02.08.2019 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 sixty 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 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 has been filed on 03.11.2016.

Heard.

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 as well as in the case of **G.J. Raja versus Tejraj Sharma** passed in Criminal Appeal No.1160 of 2019 on 30.07.2019.

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 the case of **Surinder Singh Deswal (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 is granted another four weeks to deposit 20% of the cheque amount as directed by the lower Appellate Court.

(ANUPINDER SINGH GREWAL)
JUDGE

October 14, 2019

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