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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.11.20 10:18
I attest to the accuracy and
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CRM-M-43677-2019
Date of decision : 18.11.2019

Gurinder Singh

..... Petitioner

Versus

Ram Saran

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vivek Gupta, Advocate
for petitioner.

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HARINDER SINGH SIDHU, J.

In this petition filed under Section 482 Cr.P.C., petitioner has sought for modification of order dated 2.7.2019 (Annexure-P-2), passed by learned Additional Sessions Judge, Patiala in Crl. Appeal No. 427 of 2019, vide which petitioner has been directed to deposit 1/3rd of compensation amount with trial Court within one week.

Complaint under Section 138 of Negotiable Instruments Act was instituted by respondent against petitioner. Vide order dated 21.5.2019 (Annexure-P-1), passed by learned Judicial Magistrate 1st Class, Patiala, petitioner was convicted under Section 138 of Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for 1 year and to pay compensation amount of Rs. 3,55,000/- alongwith simple interest at the rate of 9% per annum from the date of issuance of cheque till final realization, in default thereof, to undergo simple imprisonment for 3 months. Thereafter, petitioner preferred an appeal before learned Sessions Judge, Patiala. Vide impugned order (Annexure-P-2), sentence of petitioner was suspended on his furnishing bail bonds before learned Area/Duty Magistrate within 10 days. He was also to deposit 1/3rd of compensation amount before trial Court within 1 month.

The learned counsel for petitioner states that petitioner is a senior citizen. At present, he is not in a position to deposit 1/3rd of compensation amount. He prays that amount of compensation be reduced to 25%

As compensation amount is directed to be deposited with trial Court and not disbursed to respondent during pendency of appeal, it is deemed appropriate that petitioner be directed to deposit 25% of compensation amount instead of 1/3rd amount with trial Court.

Accordingly, petition is allowed and impugned order (Annexure-P-2) is modified to the extent that petitioner shall deposit 25% of compensation amount instead of 1/3rd amount. The other terms and conditions as laid down by learned Additional Sessions Judge, Patiala in impugned order shall remain same.

This order has been passed without issuing notice to the respondent to avoid delay and expense. However, if respondent has any grievance against the order, it would be open to him to file an application in this Court.

(HARINDER SINGH SIDHU)
JUDGE

18.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No