

CRM-M-49422-2019

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

CRM-M-49422-2019
Date of Decision:22.11.2019

Harpreet Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jagjit Singh, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 02.09.2019 passed in CRA-73 of 2019, titled as 'Harpreet Kaur Vs. State of Punjab and another' by the learned Additional Sessions Judge, Kapurthala, to the extent of imposing a condition for depositing 25% of the cheque amount while suspending the sentence of the petitioner.

Heard.

Vide judgment and order of sentence dated 11.03.2019 passed by the learned Judicial Magistrate Ist Class, Kapurthala, the petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'N.I.Act') and accordingly, sentenced to undergo rigorous imprisonment for the period of one year and further to pay compensation to the tune of Rs.6 lakh to the complainant.

Aggrieved of the judgment and order of sentence dated

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11.03.2019, the petitioner preferred an appeal before the learned Additional Sessions Judge, Kapurthala.

During the pendency of the criminal appeal, the sentence of the petitioner has been suspended, subject to her depositing 25% of the compensation amount with the trial Court in view of Section 148(2) of the N.I.Act.

Learned counsel for the petitioner submits that as per Section 148 of the N.I.Act, the petitioner is to deposit 20% of the compensation amount and she is ready to deposit the same as per the provisions of the N.I.Act.

Notice in this case is not being issued to the respondents as this would further delay the decision of appeal.

In view of the above, the present petition is allowed and the impugned order is set aside to the extent that instead of depositing 25% of the compensation amount, the petitioner shall deposit 20% of the compensation amount with the trial Court.

However, the Appellate Court shall decide the appeal on merits without being influenced in any manner by the observations made by this Court.

22.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No