

CRM-M-52485-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52485-2019

Date of Decision: 9th December, 2019

Mohit Goyal

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ajay Kumar Kansal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. For setting aside the order dated 24.07.2019 (Annexure P-3) passed in Case No.72-CRA dated 20.05.16/01.05.17, vide which, the petitioner has been directed to deposit 20% of the cheque amount.

Learned counsel for the petitioner states that the petitioner was held guilty in a complaint case under Section 138 of Negotiable Instruments Act, 1881 and in the appeal preferred by him, Appellate Court has suspended his sentence on 20.05.2016 while admitting his appeal but subsequently, another order dated 24.07.2019 (Annexure P-3) has been passed by the Appellate Court directing the petitioner to deposit 20% of the compensation amount within sixty days. He states that impugned order dated 24.07.2019 (Annexure P-3) cannot sustain in the light of the fact that the condition which has been imposed is after more than three years of order of suspension of sentence of the petitioner. He, therefore, prays that the

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present petition may be allowed.

Heard.

Keeping in view the fact that the Appellate Court has imposed the condition upon the petitioner to deposit 20% of the compensation amount after more than three years of his suspension of sentence, the impugned order dated 24.07.2019 (Annexure P-3) deserves to be set aside. Further, the Amended Act No.20 of 2018 would not be applicable to the present case as the same has come into force in the year 2018, whereas the order of suspension of sentence of the petitioner has been passed in the year 2016 i.e. on 20.05.2016.

In view of the above, the present petition is allowed and the impugned order dated 24.07.2019 (Annexure P-3) is hereby set aside

(HARNARESH SINGH GILL)
JUDGE

9th December, 2019
Nisha

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