

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

118-A

CRM-M-2991-2020

Date of decision : 29.01.2020

Bhupinder Kumar

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Kumar, Advocate for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition for setting aside order dated 18.12.2019 passed by learned Additional Sessions Judge, Kapurthala in criminal appeal bearing No.CRA-245-2019 titled as 'Bhupinder Kumar Vs. Navdeep Singh and others' to the extent of imposition of the condition on the petitioner to deposit 25% of the compensation amount in view of Section 148(1) of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act') for entertaining the appeal.

In *Surinder Singh Deswal @ Col. S.S. Deswal and otehrs Vs. Virender Gandhi, 2019 (2) NCC 633*, it was held by the Hon'ble Supreme Court that the provisions of Section 148 of the NI Act are retrospective in nature and ordering the appellant to deposit minimum 20% of the fine or compensation awarded by the trial Court is mandatory.

In view of the observations in above referred case, learned Counsel for the petitioner has, at the time of arguments restricted his prayer to grant of two months time for deposit 25% of the

compensation amount in compliance of impugned order dated 18.12.2019.

It may be observed that the period of one month granted by learned Additional Sessions Judge, Kapurthala for deposit of 25% of the compensation amount has already expired. Under Section 148 of the N.I. Act such amount is required to be deposited within 60 days which can be extended by another period of 30 days so as not to exceed 90 days. In the facts and circumstances of the case, ends of justice mandate that the petitioner be allowed 60 days time to deposit 25% of the compensation amount.

Since no prejudice will be caused to the respondent if the petitioner is given 60 days time to comply with order dated 18.12.2019 to deposit 25% of compensation amount, issuance of notice to the respondent No.2 is considered unnecessary.

In these facts and circumstances, the revision petition is hereby disposed of with a direction to the petitioner to deposit 25% of compensation amount within two months from today.

29.01.2020

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**(ARUN KUMAR TYAGI)
JUDGE**

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