

CRR-875 of 2019 (O&M)

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

CRR-875 of 2019 (O&M)
Date of Decision: 05.02.2020

M/s Pardeep Kumar and another

...Petitioners

Versus

M/s Devans Modern Breweries Ltd.

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Kamal Mor, Advocate, for the petitioners.
Mr. Aman Bahri, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this revision, revisionists-accused have laid challenge to order dated 15.02.2019 of the appellate Court, directing them to deposit 20% of the compensation amount.

Briefly, respondent-complainant filed a complaint under Section 138 of the Negotiable Instruments Act (in short 'the Act') against petitioner. The trial Court, after holding trial, vide judgment of conviction dated 15.01.2019 held the petitioner guilty under Section 138 of the Act and sentenced him to undergo rigorous imprisonment for one year and pay compensation equivalent to cheque amount of ₹10,00,000/- to the complainant vide order of sentence dated 16.01.2019.

Being aggrieved, petitioner approached the lower appellate Court, who vide impugned order dated 15.02.2019 directed the petitioner to deposit 20% of the compensation amount with the Court.

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Learned counsel for the petitioners *inter alia* contends that the appellate Court erred in directing the petitioner to deposit 20% of the compensation amount as per Section 148 of the Act inasmuch as complaint against them was filed prior to amendment Act came into force.

On the other hand, refuting above submissions, learned counsel for the respondent contends that this revision is liable to be dismissed inasmuch as Section 148 of the Act, as amended, has retrospective operation. In support of his contention, learned counsel placed reliance upon judgment in ***Surinder Singh Deswal @ Col. S.S. Deswal and others v. Virender Ganghi***, 2019(3) R.C.R.(Criminal) 186 (S.C.) and ***M/s Ginni Garments and another v. M/s Sethi Garments and another***, 2019(2) R.C.R.(Criminal) 833.

Learned counsel for the petitioners has not been able to cite any contrary law.

In view of above, revision is dismissed.

February 05, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

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