

219

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

CRM-M No. 23575 of 2020
Date of Decision: 16.11.2020

Anil Kumar

-Petitioner

Vs

M/s Asians Buildtech Engineers and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ram Kumar Saini, Advocate,
for the petitioner.

Mr. Namit Gautam, Advocate,
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner has preferred this petition for issuance of appropriate directions to the respondents to deposit 20% of the compensation amount awarded by the trial Court in criminal complaint No.2723-II of 2015 under Section 138/141 of Negotiable Instruments Act.

The trial Court vide order dated 17.07.2019 convicted respondents No.2 and 3 and sentenced them to undergo simple imprisonment for 01 year each for the offence under Section

138 of Negotiable Instruments Act and directed them to pay compensation to the tune of Rs.42,76,500/- jointly and severally to the complainant under Section 143(1) (Proviso) of the Act read with Section 357(1) (3) Cr.P.C. within a period of one month from the date of passing of the judgment. In the event of failure on the part of the convicts, the amount was to be recovered under provisions of Section 421/431 Cr.P.C.

An appeal was preferred by the respondents before the court of Sessions at Hisar. The appeal was accompanied by an application for staying the implementation of order dated 17.07.2019 passed by the trial Court.

The Additional Sessions Judge, Hisar vide order dated 16.08.2019 suspended the sentence and released respondents No.2 and 3 on bail, subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Petitioner filed an application under Section 148 of Negotiable Instruments Act for issuance of directions to the accused to deposit 20% of the compensation amount awarded by the trial Court before proceeding further in the appeal. The said application is still pending before the Additional Sessions Judge, Hisar.

Learned counsel for the respondents admits the legal

position regarding deposit of 20% of the compensation amount in the appeal.

Both the parties are *ad idem* that the Courts are functioning physically in those cases where both the parties are ready for disposal of the case.

Learned counsel for the parties agree that application under Section 148 of Negotiable Instruments Act can be disposed of by Additional Sessions Judge, Hisar on the next date of hearing to be fixed by the Court on 17.11.2020.

In view of aforesaid position, it would be appropriate to direct the Additional Sessions Judge, Hisar to dispose of the pending application on merits under Section 148 of Negotiable Instruments Act on the adjourned date which would be fixed during the proceedings dated 17.11.2020.

Disposed of.

16.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No