

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

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CRM-M-2611-2021

Date of decision : 19.01.2021

Manjit Kaur

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Jaskamal Singh Grewal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 18.11.2020 (Annexure P-1) passed by the Appellate Court whereby she had been directed to deposit 20% of the amount of compensation before the trial Court within two months.

Learned counsel for the petitioner contends that the petitioner has filed an appeal which is her statutory right and the aforesaid condition is unreasonable especially when the financial condition of the petitioner is not sound.

Heard through video conferencing.

Section 148 has been introduced in the Negotiable Instruments Act, 1885 ('NI Act' - for short) by amendment w.e.f. 01.09.2018 which stipulates that the Appellate Court may order the appellant to deposit a sum which shall be a minimum of 20% of the fine or compensation awarded by the

trial Court. The amendment had been challenged but it was upheld by the Supreme Court in the case of ***Surinder Singh Deswal @ Col. S.S. Deswal and others vs. Virender Gandhi, 2020(1) RCR (Criminal) 604*** wherein it was held that the amendment to Section 148 of the NI Act shall have retrospective effect and shall be applicable to all the pending cases even wherein the complaints were filed prior to 01.09.2018.

Consequently, I do not find any merit in the instant petition as the Appellate Court has directed to deposit 20% of the compensation during the pendency of the appeal in terms of Section 148 of the NI Act. The petition stands dismissed.

At this stage, learned counsel for the petitioner contends that as the financial condition of the petitioner is not good, she may be granted 30 days more time to deposit the amount.

The petitioner shall deposit 20% of the amount of compensation before the trial Court within 30 days from now.

(ANUPINDER SINGH GREWAL)
JUDGE

January 19, 2021

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