

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-25369-2021 (O & M)
Date of Decision: September 08, 2021

DARSHAN SINGH

....PETITIONER

VERSUS

STATE OF HARYANA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rakesh Bakshi, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner has challenged the impugned order dated 03.01.2020 passed by the Appellate Court whereby he has been directed to deposit 20 % of the compensation amount.

Learned counsel for the petitioner contends that as the complaint has been filed prior to the amendment of Section 148 of the Negotiable Instruments Act, the same was not applicable to the case of the petitioner.

Heard.

The petitioner has been convicted under Section 138 of the Negotiable Instruments Act on 17.08.2018. The appeal was preferred by him and the Appellate Court has directed him to deposit 20% of the compensation amount.

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 and the same is dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 08, 2021

A.Kaundal

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