

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14070-2021 (O&M)
Date of Decision:-26.3.2021

M/s Vinod Cotton Corporation

... Petitioner

Versus

M/s Cheema Spintex Ltd. And another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manuj Nagrath, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. Learned counsel for the petitioner contends that in a complaint instituted by the petitioner under Section 138 of Negotiable Instruments Act against the respondents, respondent No.2 was convicted vide judgment and order dated 14.2.2020 passed by learned Judicial Magistrate 1st Class, Bathinda and apart from sentence of imprisonment he was directed to pay compensation to the tune of ₹52,98,154/-. It has further been submitted that the respondents challenged the aforesaid judgment by way of filing an appeal in the Court of Sessions, Ludhiana, wherein at the time of admission of appeal, the sentence of imprisonment as imposed upon the respondents was suspended vide order dated 13.3.2020 (Annexure P-2) subject to the condition that the respondents

deposit an amount equal to 20% of the compensation amount within a period of 60 days.

2. It has been submitted that despite a period of more than one year having elapsed from passing of order dated 13.3.2020 (Annexure P-2), the needful for depositing the amount has not been done by the respondents and although an application dated 4.11.2020 (Annexure P-3) was filed before the Lower Appellate Court for cancellation of bail, the same has remained undecided.
3. Having heard the learned counsel for the petitioner and keeping in view the statutory provisions of Section 148(2) of Negotiable Instruments Act and while also bearing in mind that the Lower Appellate Court, in any case, is expected to dispose off said application expeditiously, this Court does not feel the necessity of issuing any notice to the respondents before passing any order.
4. Keeping in view the aforestated factual position, the petition is disposed off with a direction to the Appellate Court, where the appeal in question is stated to be pending, to take all such necessary steps as may be possible under the present circumstances of spread of pandemic COVID-19 for expeditious disposal of the application dated 4.11.2020 (Annexure P-3). It is further directed that in case the respondents do not deposit the amount in question, then necessary steps warranted under law be taken thereupon and the Appellate Court shall proceed to dispose off the main appeal itself at the earliest.

26.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No