

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-25131-2021 (O & M)
Date of Decision: October 07, 2021**

SATBIR SINGH AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Nitin Kumar Sharma, Advocate for
Mr. Pawan Attri, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner has challenged the order dated 07.06.2021 (Annexure P-9) passed by the Appellate Court whereby the property of petitioner No.1 has been attached on the failure of the petitioners to deposit interim compensation.

Learned counsel for the petitioner contends that at the time of the suspension of sentence of the petitioner, the Appellate Court did not impose the condition of deposit of interim compensation and, therefore, subsequently when the appeal, which is pending for 03 years, is on the verge of disposal, the application of respondent No.2 should not have been entertained. He also contends that in the event of the non-deposit of the compensation, the property of petitioner No.1 could not have been ordered to be attached.

Heard.

The petitioner No.1 was convicted in a complaint under Section

138 of the Negotiable Instruments Act.....(hereinafter referred to as the Act) as

cheques issued by him were dishonoured. The trial Court had also directed that compensation of ₹30 lacs was to be paid by the petitioner. The petitioner had challenged the conviction in an appeal which is pending adjudication before the Appellate Court. In the course of the appeal, an application was preferred by respondent No.2 seeking deposit of interim compensation in terms of Section 148 of the Negotiable Instruments Act and the Appellate Court vide order dated 20.09.2019 had directed the petitioner to deposit 20% of the compensation awarded by the trial Court. On failure of the petitioner to deposit 20% of the interim compensation, the property of the petitioner was attached to the extent of the amount of interim compensation by the order dated 07.06.2021 (Annexure P-9).

I do not find any merit in the contention of the learned counsel for the petitioner that as the condition of deposit of interim compensation was not imposed at the time of the suspension of sentence, the same could not have been subsequently imposed. Section 148 of the Act does not indicate a particular stage at which the condition can be imposed by the Appellate Court and thus the condition can be imposed by the Appellate Court at any stage during the pendency of the appeal.

It is apt to notice that Section 148 of the Act has been introduced through the Amendment Act No.20 of 2018 whereby it is provided that the Appellate Court may order the appellant to deposit an amount which shall be a minimum of 20% of the compensation awarded by the trial Court. The attachment of the property is only to enforce the deposit of 20% of the compensation in terms of Section 148 of the Act. Without any mechanism for enforcement, Section 148 of the Act would be rendered nugatory and otiose.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

October 07, 2021
A.Kaundal

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