

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

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CRM-M-29269-2021 (O&M)

Date of decision : 15.09.2021.

Tehal Singh

... Petitioner

Versus

The Patran Prl. Cooperative Agriculture Development Bank Limited

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Parampreet Singh Bajwa, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

Case taken up through video conferencing.

The petitioner has impugned the order dated 16.03.2020 (Annexure P-4) passed by the Appellate Court whereby he had been directed to deposit 1/3rd of the amount of compensation before the trial Court within sixty days.

Learned counsel for the petitioner contends that the petitioner has filed an appeal which is his statutory right and the aforesaid condition is unreasonable especially when the petitioner is a small farmer and is not in a position to deposit the amount.

Heard.

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 1/3rd of the compensation during the pendency of the appeal in terms of Section 148 of the NI Act. The petition stands dismissed.

At this juncture, learned counsel for the petitioner contends that as the petitioner is a small farmer, he could not deposit 1/3rd of the compensation due to Covid-19 pandemic and therefore, he be granted some more time to do so.

The petitioner shall deposit 1/3rd of the compensation amount before the trial Court within four weeks from now.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 15, 2021

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