IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123 CRM-M-38281 of 2021
Decided on 16.09.2021

Dhanna Singh .....Petitioner

VERSUS

Ninder Kaur and Anr. .....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr.Yagsimant Attri, Advocate, for the petitioner.

Mr.Sandeep Singh Deol, DAG, Punjab.

(Through Video Conference)

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HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the order passed by the learned Additional Sessions Judge, Sangrur dated 30th July, 2021 is under challenge.

The learned counsel for the petitioner submits that by the impugned order, the petitioner has been directed to pay 20% of the total compensation awarded to be paid to the petitioner while convicting him. Learned counsel for the petitioner further submits that the said order convicting him alongwith sentence and compensation to be paid to the complainant is under challenge in appeal and as per settled law, where a fine has been imposed while convicting an accused, the compensation cannot be granted and he places reliance upon the judgment of the Supreme Court of India in Criminal Appeal No.1902 of 2011 titled as R.Vijayan Vs. Baby and Anr., to support the said argument.

Learned counsel for the petitioner argues that petitioner is ready to pay 20% of the cheque amount in dispute so as to avail the benefit

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of suspension of sentence and the order dated 30th July, 2021 passed by Additional Sessions Judge, Sangrur, may kindly be modified to that extent.

Keeping in view the facts and circumstances of this case, once the petitioner has undertaken to deposit 20% of the cheque amount which was Rs.5 Lakh, the order dated 30th July, 2021, is modified to the extent that the petitioner should deposit 20% of the cheque amount instead of total compensation awarded to the complainant as the levy of the compensation is under challenge in appeal as of now. Rest of the conditions imposed in the impugned order for the suspension of sentence will remain unchanged. The present petition is disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

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Whether speaking/reasoned :	*Yes/No*
Whether reportable	*Yes/No*

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