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

CRM-M-39629-2021

Date of decision : 23.09.2021

Amit Babbar

...Petitioner

Versus

Raj Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Maninder Arora, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 31.08.2021 passed by the Court of Additional Sessions Judge, Ambala (Annexure P-1), whereby the petitioner has been asked to deposit 20% of the cheque amount within a period of 60 days while suspending the sentence of the petitioner in an appeal which has been filed against the judgment/order dated 06.08.2021, convicting and sentencing the petitioner under Section 138 of the Negotiable Instruments Act, 1881 for a period of rigorous imprisonment of one year and also directing the petitioner to pay the compensation of Rs.5,00,000/-.

Learned counsel for the petitioner has submitted that although vide impugned order dated 31.08.2021, 20% of the cheque amount has been ordered to be deposited within a period of 60 days but the case has been posted for 29.09.2021 with the observation that the case is adjourned to the said date “for depositing the amount in question”. He has further submitted

that period of 60 days from 31.08.2021 would be upto 31.10.2021.

This Court has heard the learned counsel for the petitioner.

A perusal of the order dated 31.08.2021 would show that the Additional Sessions Judge, Ambala has granted the suspension of sentence to the petitioner subject to deposit of 20% of the cheque amount “within 60 days” but however has posted the case for 29.09.2021 for depositing the amount in question and thus, even the period of one month would not elapse on 29.09.2021. Although, it is the option of the petitioner to pay the money even within one month but as per order dated 31.08.2021, the petitioner has been asked to pay the money within 60 days, which would mean that the petitioner could even pay the money on 60th day.

In view of the above, the present petition is disposed of with the clarification that if the petitioner has not been able to pay the money on 29.09.2021, then no coercive action should be taken on the said date and he should be permitted to make the payment till 31.10.2021.

It is made clear that this order has been passed without issuance of notice to the respondent as the same is not prejudicial to the rights of the respondent and issuance of notice to him would unnecessarily delay the proceedings and would also entail financial burden on the respondent.

23.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No