

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

CRM-M-53149-2021
Date of Decision:-.22.12.2021

MALAY KANT JHA

... Petitioner

Versus

M/S MATRIX CLOTHING PVT. LTD.

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ramjee Pandey, Advocate
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Counsel for the petitioner has challenged impugned order dated
22.9.2021 passed by the Court of Additional Sessions, Gurugram whereby
the appeal filed by the petitioner against judgment of conviction and order of
sentence under Section 138 of Negotiable Instruments Act (in short 'NI Act')
was admitted by the Appellate Court but at the same time, the petitioner was
directed to deposit 20% of the compensation amount awarded by the trial
Court in the Court and the case was adjourned to 2.12.2021 for arguments.

Heard.

Admittedly, the Appellate Court while passing the aforesaid order has not given time of 60 days as has been provided under Section 148(2) of NI Act, to the petitioner for deposit of aforesaid 20% of compensation. Section 148(2) of NI Act also provides that the said period of 60 days can also be extended further to another 30 days on sufficient cause. The aforesaid period of 90 days are going to expire today itself.

This Court is of the view that the aforesaid impugned order is suffering from irregularity as no time frame was given by the Court of Additional Sessions Judge to the petitioner to deposit aforesaid amount in accordance with the provisions of Section 148(2) of NI Act.

Accordingly, in the interest of justice, the present petition is hereby disposed of with direction to the petitioner to deposit the aforesaid 20% of compensation amount awarded by the trial Court in the Appellate Court within next 30 days. In case of failure to deposit the amount in question within aforesaid 30 days from today, it shall be open to the lower Appellate Court to cancel bail and to hear the appeal on merits.

(KARAMJIT SINGH)
JUDGE

22.12.2021
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No