

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

**CRM-M No.52691 of 2021
Date of Decision:22.12.2021**

Umesh Kumar

...Petitioner

Vs

P.D. Sharma and another

. ..Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

JAISHREE THAKUR J. (ORAL)

The petitioner has filed the instant petition seeking setting aside/quashing of impugned order dated 10.11.2021, passed by learned JMIC Ludhiana, whereby petitioner has been directed to deposit 15% of the cheque amount in complaint filed under Section 138 of Negotiable Instruments Act.

Notice of motion.

Appearance has been caused by Mr. Sangram Singh Saron, Advocate, on behalf of respondent No.1-complainant, who is none else but the father of the petitioner. Counsel would point out that in terms of the order dated 10.11.2021, the petitioner had been allowed a period of two months to make good the interim compensation and that period would expire on 09.01.2022. He would argue that this petition itself is premature.

I have heard learned counsel for the parties and have also perused the order dated 10.11.2021.

A perusal of the order would reflect that the Judicial Magistrate Ist Class, Ludhiana has ordered interim compensation to be paid to the complainant

which is assessed to be 15% of the cheque amount. As per the order, the petitioner-accused was directed to pay the same to the complainant within a period of 60 days from the date of the order i.e. 10.11.2021. However, the JMIC, Ludhiana had further directed the matter to come up on 16.12.2021 for payment of interim compensation as well as for cross examination of complainant's witnesses, which order is in conflict with the time frame already allowed to the petitioner to pay the compensation.

Having heard both the parties, this Court deems it appropriate to dispose of the instant petition as premature considering the fact that the petitioner still has time to make payment and the said period would expire on 09.01.2022. The order dated 10.11.2021 stands modified to that extent.

Disposed of.

(JAISHREE THAKUR)
JUDGE

December 22, 2021
P.Bhatt

Whether speaking/reasoned Yes/No

Whether reportable Yes/No