

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

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**CRM-M-269-2019 (O&M)
Date of decision: 04.05.2022**

RAJESH KUMAR

....Petitioner(s)

Versus

M/S KAMLESH AGRO TECH

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Naveen Chopra, Advocate
for the respondent.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the impugned order dated 29.11.2018 (Annexure P-3) passed by Additional Sessions Judge, Karnal in Criminal Appeal titled as 'Rajesh Kumar Vs. M/s Kamlesh Agro Tech' bearing No. CRA-786 of 2018 to the extent whereby Additional Sessions has directed the petitioner to deposit 20% of the amount of the compensation as awarded by the trial Court.

Learned counsel for the petitioner has vehemently argued that the order passed by the Additional Sessions Judge, directing payment of 20% of the amount is unsustainable and excessively harsh. He submits that the appeal of the petitioner was admitted on 29.11.2018 for consideration and that while admitting the same, the petitioner was directing to make a pre-deposit of the 20% of the amount as compensation. It is contended that the right of the petitioner to seek consideration of his appeal cannot be impaired by imposition of such onerous condition of pre-deposit.

Learned counsel for the petitioner was confronted with the judgment

of Hon'ble Supreme Court in the matter of *Surinder Singh Deswal Alias Colonel S.S. Deswal And Others Versus Virender Gandhi And Another (2020) 2 SCC 514*, wherein the imposition of such a condition has been held to be in accordance with the statutory mandate and it has been held that in the event of non-compliance of such a condition, concession so extended in favour of an appellant can be duly suspended. Besides, there is nothing on record to ascertain as to how and under what circumstances the condition of the deposit of the said amount can be held as onerous or being excessively harsh.

Finding no merit in the present petition and finding no illegality impropriety, infirmity or irregularity in the order passed by the Additional Sessions Judge, the instant petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

May 04, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>