

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

Criminal Misc. No.M-6674 of 2022(O&M)

Date of Decision: February 18, 2022

M/s Sebro Machine Tools Pvt Ltd & Ors.

...Petitioners

versus

M/s Jyoti Industrial Corporation

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. T.P.S Kang, Advocate
for the petitioners.

HARINDER SINGH SIDHU, J.

The petitioners were convicted for offence under Section 138 of Negotiable Instruments Act vide judgment dated 22.03.2021 and sentenced to undergo RI for one year and to pay compensation of Rs.16,50,000/- vide order of sentence dated 24.03.2021 passed by learned JMIC, Faridabad. They preferred an appeal against the said judgment/order.

The petitioners could not cause appearance on 22.04.2021 when the appeal came to be listed before the learned Addl. Sessions Judge, Faridabad. Later, the case was adjourned to 02.06.2021. Case was then taken up on 02.06.2021 on which date because of the lockdown having been imposed, no effective proceedings were taken and the hearing was deferred to 24.08.2021. On 24.08.2021, the petitioners had filed an application seeking exemption from personal appearance on the ground that they had to appear before a court at Alwar (Rajasthan). The application was not allowed and the learned Addl. Sessions Judge issued warrants of arrest against the

had already expired. The petitioners filed application for recalling order dated 24.08.2021, which was also dismissed vide order dated 14.10.2021. Now fresh warrants of arrest have been issued against the petitioners for 25.02.2022 with notices having been issued to the sureties, who had executed bonds at the time of suspension of sentence of the petitioners.

Learned counsel for the petitioners submits that the petitioners were not able to appear before the Appellate Court initially because of the lock down and on the second date, they had to appear before a Court at Alwar (Rajasthan). The petitioners are ready and willing to appear before the Appellate Court and also to deposit the statutory amount of 20% in terms of Section 148 of Negotiable Instruments Act.

In view thereof, this petition is disposed of with the observation that the petitioners may appear before the Appellate Court on 25.02.2022 when the Court would consider their application for suspension of sentence in the light of the above. Meanwhile, the Warrant of Arrest issued against the petitioners may not been given effect to.

February 18, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No