

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

CRM-M-7910-2020

Date of Decision: 18.08.2022

Mangal Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amandeep Singh, Advocate, for
Mr. Chanderhas Yadav, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

In an appeal against his conviction and sentence under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), vide order dated 21.12.2019 passed by the learned Additional Sessions Judge, Bathinda, the sentence of the petitioner was suspended on furnishing requisite bail bonds with a further condition that the petitioner will deposit 20% of the cheque amount before the said Court within one month as per the Amendment Act No. 20 of 2018.

Learned counsel for the petitioner submits that the deposit 20% amount as ordered by the Appellate Court, is a harsh condition and the petitioner being a poor person, is not able to deposit the said amount.

However, I do not find any merit in the said argument of the learned counsel for the petitioner.

The complaint filed by respondent No.2-complainant was allowed by the trial Court on 22.11.2019, holding the petitioner guilty under Section 138 of the Act and sentencing him to undergo RI for one year and to pay compensation to the tune of the cheque amount i.e.Rs.2,80,000/- alongwith interest @ 9% p.a. Aggrieved, the petitioner filed an appeal in December, 2019, wherein as noticed above, the appellate Court passed the order dated 21.12.2019.

In terms of Section 148 of the Act, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of 20% of the compensation amount, awarded by the trial Court. Thus, the petitioner is bound to deposit 20% of the compensation amount. Of Course, if the petitioner remains successful in earning acquittal, then in terms of the second proviso to Section 148 of the Act, he would be paid back the said amount alongwith interest by the complainant.

No logical justification has been given by the counsel for the petitioner for evading the said statutory stipulation.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

18.08.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No