

CRM-M-23180-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23180-2022

Date of decision:12.09.2022

Jaswinder Singh

...Petitioner

Versus

Rahul Verma

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarun Sharma, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 22.03.2022 (Annexure P-1) passed by learned Addl. Sessions Judge, Kurukshetra, vide which application filed by the respondent has been allowed and the petitioner has been directed to deposit the amount of Rs.1,20,000/- being 20% of the total compensation amount awarded by the trial Court.

Vide judgment dated 21.12.2021 passed by the learned Sub Divisional Judicial Magistrate, Pehowa, the petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') and vide order dated 22.12.2021 passed by the said Court, he was sentenced to undergo rigorous imprisonment for a period of one year and to pay the compensation of Rs.6 lakh to the complainant-respondent.

Aggrieved there-against, the petitioner filed an appeal before

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the learned Additional Sessions Judge, Kurukshetra. During pendency of the appeal, the respondent had moved an application for issuance of directions to the petitioner (appellant) to pay 20% of the compensation amount, as per Section 148 of the Act. Vide impugned order dated 22.03.2022, learned Addl. Sessions Judge, Kurukshetra, had allowed the said application and directed the petitioner to pay 20% of the compensation amount to the respondent.

As noticed above, the petitioner, aggrieved against the said order, has filed the present petition.

Learned counsel for the petitioner contends that the Appellate Court was required to give reasons while directing the petitioner to make the payment of 20% of the compensation amount to the respondent, and that no finding qua the liability of the petitioner had been recorded. Vociferously terming the said order as illegal, a prayer is made to set aside the same.

Having heard the learned counsel for the petitioner, this Court does not find any merit in the present petition.

No doubt, the impugned order does not determine the rights of the parties and it is only a matter of procedure. The impugned order passed under Section 148 of the Act is not a precondition for the appeal to be taken on the file and, therefore, will not result in the final order deciding appeal. As such, finding qua the liability of the petitioner-accused was not required to be recorded while passing the impugned order.

Learned Addl. Sessions Judge, Kurukshetra, has passed the impugned order by following the law laid down by the Hon'ble Supreme

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Court in Surinder Singh Deswal and others Vs. Virender Gandhi 2019(3)
CCC 01 SC.

In view of the above, no fault could be found with the
impugned order. Hence, the present petition is dismissed.

12.09.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No