

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108

CRR-1160 of 2022

Date of Decision:30.05.2022

Manjit Singh

---Petitioner

versus

Bhupinder Jeet Singh and another

---Respondents

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

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner

VINOD S. BHARDWAJ, J. (ORAL)

The instant revision petition has been filed under Section 401 of the Code of Criminal Procedure, 1973 against the order dated 26.04.2022 passed by Additional Sessions Judge, Kurukshetra in CRA/08/2017 titled as 'Manjit Singh versus Bhupinder Jeet Singh and another' with a further prayer that petitioner may be granted period of 60 days more w.e.f 04.06.2022 to pay the requisite compensation amount @ 20% in compliance of the impugned order.

Learned counsel for the petitioner submits that the order in question was passed on 26.04.2022, however, the time granted to the petitioner to deposit the said amount was only upto 04.06.2022 which is inadequate. It is submitted that the cheque in question, on the basis whereof the complaint had been instituted, was for a sum of Rs. 07 lakhs and against the same, compensation of Rs. 14 lakhs was awarded by the trial court. The petitioner having been directed to deposit 20% of the compensation amount, an amount of Rs. 2.80 lakhs is to be deposited by the petitioner in

the present petition. He submits that the petitioner is in the process of arranging the money and that he has already entered into an agreement to sell the property which stands in the name of his father and that the sale proceeds thereof would be utilized towards payment of the compensation, as per the order passed by the Additional Sessions Judge, Kurukshetra. He further contends that the father of the petitioner had been hospitalized and as a result whereof, he had to make arrangements for meeting out the medical expenses towards his treatment thus, making it difficult for the petitioner to deposit the amount, in terms of the order passed by the Court.

Even though, no medical record in support of the argument pertaining to the health of the father of petitioner-appellant has been appended with the instant petition and no medical history or nature of ailment suffered by his father has been narrated, however, the statement of counsel for the petitioner, made at Bar, is accepted, at this stage. Learned counsel prays that the provision of Section 148 of the Negotiable Instruments Act, 1881 contemplates grant of a period of 60 days, which is further extendable by 30 days on sufficient ground to be shown. He points out that a period of 34 days has already elapsed since the passing of the said order. He submits that the petitioner shall deposit the amount of compensation, in terms of order dated 26.04.2022 on or before 30.06.2022 which shall be within the period of 90 days as contemplated in the mandate of Section 148 of the Negotiable Instruments Act, 1881 inasmuch as the period of 60 days would come to an end on 25.06.2022.

Taking into consideration the prayer made by learned counsel

for the petitioner, I do not deem it appropriate to issue notice to the respondents as any such process is likely to delay the adjudication of payment before the Lower Appellate Court and while adopting a sympathetic consideration on the arguments advanced by counsel for the petitioner, the instant petition is disposed of with a direction that the amount of compensation ordered to be deposited by the petitioner by 04.06.2022, in terms of the order dated 26.04.2022 passed by the Additional Sessions Judge, Kurukshetra is extended and the petitioner/appellant before the Lower Appellate Court is directed to deposit 20% of the compensation amount to respondent No. 1/complainant on or before 30.06.2022. It is made clear that in the event of the failure on the part of the petitioner to comply with the instant order, the requisite consequences, as per law, shall follow.

Petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

30.05.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No