

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

CRM-M-38604-2022

Date of decision : 30.08.2022

Kamlesh Rani and another

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pradeep Panwar, Advocate
for the petitioners.

PANKAJ JAIN, J. (Oral)

The present petition is directed against the order dated 01.08.2022 (Annexure P-1), whereby the petitioners have been ordered to make payment of 20% of the amount of compensation ordered by the trial Court while convicting the petitioners under Section 138 of the Negotiable Instruments Act (for short 'N.I. Act') by 29.08.2022.

2. Counsel for the petitioners contends that they have been merely provided 28 days in making the payment, whereas as per Section 148(2) of the N.I. Act, are entitled for a period of 60 days to make the payment. The said period is further extendable to 30 days more on showing the sufficient cause.

3. In the considered opinion of this Court, the abovesaid fact cannot be a ground to set aside the order for payment of pre-deposit as contemplated under Section 148 of the N.I. Act. However, liberty is granted to the petitioners to approach trial Court to move an appropriate application seeking extension of time under Section 148(2) of the N.I. Act. In case, the petitioners resorts to such application, the Appellate Court shall dispose off the same before pressing on the petitioners to make the payment.

4. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

30.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No