

124

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

CRM-M-48619-2022

Date of decision : 31.10.2022

Om Prakash Morya

...Petitioner

Versus

Ashok Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikas Kumar, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 25.08.2022 (Annexure P-1) passed by the Appellate Court in Criminal Appeal No.239 of 2022 (dated 25.08.2022), vide which, condition has been imposed upon the petitioner directing him to deposit 20% amount of compensation in the shape of bank draft within 60 days from the date of impugned order, while suspending his sentence.

Learned counsel for the petitioner has submitted that the marriage of the daughter of the petitioner is fixed for 04.11.2022 and thus, states that the petitioner would not challenge the impugned order, in case, the period granted for making the payment is extended till 23.11.2022. It is further submitted that as per the provisions of Section 148(2) of the Negotiable Instruments Act, 1881, the maximum period stipulated for

deposit of the amount is 90 days (60 days + 30 days on sufficient cause shown). It is contended that the said period of 90 days would elapse on 24.11.2022.

Keeping in view the abovesaid facts and circumstances and also the statement made by learned counsel for the petitioner, impugned order dated 25.08.2022 (Annexure P-1) is upheld with the modification that the petitioner would deposit 20% of the amount of the compensation in the shape of bank draft, as ordered vide order dated 25.08.2022, on or before 23.11.2022.

In this case, no notice is being issued to the respondent inasmuch as the order directing the payment of 20% of the amount of compensation is being upheld with the abovesaid modification which, in the opinion of this Court, is not prejudicial to the rights of the respondent and issuance of notice of motion would only delay the matter and would also make the respondent entail the expenses to defend the present case.

It is made clear that in case, the said deposit is not made till 23.11.2022, then, it would be open to the Appellate Court to proceed against the petitioner, in accordance with law.

With the abovesaid observations, the present petition is disposed of.

31.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No