

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

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CRM-M-54341-2022

Date of Decision: November 23, 2022

KAMALJEET

...Petitioner

Versus

TALWINDER SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Kulwinder Bhargav, Advocate and
Mr. Ajay Partap Singh, Advocate
for the petitioner.

AMAN CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed for quashing of order dated 31.10.2022 (Annexure P-1) passed by trial Court, Kapurthala in complaint No.NACT 623 dated 14.09.2016 and order dated 10.11.2022 (Annexure P-2) passed by lower appellate Court in Criminal Appeal No.139 dated 10.11.2022 titled as Kamaljeet Vs. State of Punjab, pending for 14.12.2022 and extend the time period for three months to deposit the 20% of cheque amount by the petitioner.

Learned counsel for the petitioner contends that in terms of the provisions of Section 148 (1) of the Negotiable Instruments (amended) Act, 2018, a period of 60 days has to be granted for depositing of 20% of the compensation amount, however, the appellate Court has granted a period of 10 days. It is his solitary prayer that in terms of the aforesaid provision, a period of 60 days be granted for depositing of the 20% amount. He relies on the order passed by this Court in CRM-M-54046 of 2018 wherein as had been specified that in sub Section 2 of Section 148 (1) of the Negotiable Instruments Act, a period of 60 days was granted instead of the direction of the learned Appellate Court for deposit to be made till the next date of hearing.

Section 148 (1) of Negotiable Instruments (Amendment) Act, 2018,

provides as under :-

'148.(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in an appeal by the drawer against conviction under Section 138, the Appellate Court may order the appellant to deposit such sum which shall be minimum of twenty per cent of the fine or compensation awarded by the trial Court ; Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under Section 143A.

(2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant.

(3) The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of appeal.'

Notice has not been issued to the respondent in view of the order, being proposed to be passed by this Court.

Heard.

As is evident from the aforesaid provision that it is mandated to grant a period of 60 days for depositing the amount, which can even be extended upto 30 days. It is apparent that in this case the period permitted by the Appellate Court to make the deposit was not in terms of the aforesaid provisions.

In view of the facts and circumstances of the case and sub-Section 2 of Section 148 (1) of the Act, the present petition is disposed of by granting required 60 days period to the petitioner to deposit the amount as directed by the Appellate Court. Accordingly, the order dated 10.11.2022, Annexure P-2 is modified to the aforesaid extent.

November 23, 2022
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(AMAN CHAUDHARY)
JUDGE

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