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

**CRM-M-59648-2022**
**Date of Decision:20.12.2022**

**GURPREET SINGH** ......... Petitioner

*Versus*

**ALLAHABAD BANK** ..... Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. S.P.S Aulakh, Advocate
for the petitioner.

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**JAGMOHAN BANSAL, J. (Oral)**

Learned counsel for the petitioner at the outset submits that Appellate Court had granted 10 days time to deposit 20% of sum awarded and on application seeking extension has granted further 5 days period whereas per Sub Section (2) of Section 148 of Negotiable Instruments Act, 1881, the Court is supposed to grant 60 days and said period of 60 days may be further extended upto 90 days.

Sub Section (2) of Section 148 of Negotiable Instruments Act, 1881 provides that amount referred to in Sub-Section (i) shall be deposited within 60 days from the date of order, or within such further period not exceeding 30 days as may be directed by the Court. For the ready reference Section 148 is reproduced as below:

***Section 148:-Power of Appellate Court to order payment pending appeal against conviction.***

> *"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 deposit1 such sum which shall be a minimum of twenty percent 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 the appeal:*

***Provided** that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, 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 complainant."*

From the perusal of above quoted section, it is quite evident that appellant is supposed to deposit amount ordered by the Appellate Court within 60 days and said period of 60 days may be further extended for 30 days. The Appellate Court in the case in hand had granted total 15 days period to deposit 20% of the awarded amount.

Without commenting on merits of the case, the present petition is allowed to the extent that period for deposit of 20% of awarded amount is extended upto 04.02.2023.

Disposed of in the above terms.

**( JAGMOHAN BANSAL )**
**JUDGE**

20.12.2022
*Ali*

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|---|---|
| Whether speaking/reasoned | Yes/No |
| *Whether Reportable* | *Yes/No* |