

1) **CRM-M-10251-2023**
Date of decision: 01.03.2023

**M/S NEO GLOBAL HATCHERIES
THROUGH ABHISHEK SHARMA**

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

2) CRM-M-10284-2023

**M/S NEO GLOBAL HATCHERIES
THROUGH ABHISHEK SHARMA** **...PETITIONER**

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

3) CRM-M-10639-2023

**M/S NEO GLOBAL HATCHERIES
THROUGH ABHISHEK SHARMA ...PETITIONER**

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

4) CRM-M-10723-2023

**M/S NEO GLOBAL HATCHERIES
THROUGH ABHISHEK SHARMA ...PETITIONER**

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

5) **CRM-M-10798-2023**

**M/S NEO GLOBAL HATCHERIES
THROUGH ABHISHEK SHARMA ...PETITIONER**

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Inderjit Sharma, Advocate for the petitioner(s).

VIVEK PURI,J. (ORAL)

Petitioner is seeking quashing/modification of order dated 13.02.2023 passed by the Court of learned Additional Sessions Judge,

Abhishek Sharma Versus M/s Sampoorana Feeds etc.”

Learned counsel for the petitioner contends that he restricts his prayer only with regard to modification of the time period which has been granted by the learned Appellate Court with regard to deposit of 20% of compensation of amount. In terms of order dated 13.02.2023, learned Appellate Court has directed to deposit 20% of the compensation amount within a period of 15 days.

Section 148 of the Negotiable Instruments Act provides as following:-

“1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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 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.”

deposited within a period of 60 days from the date of order or within such further period not exceeding 30 days as may be directed by the Court on sufficient cause being shown by the petitioner.

In these set of circumstances, the impugned order is modified to the extent that the time period for deposit of the amount shall be governed by Section 148 (2) of the Negotiable Instruments Act.

The present petitions are disposed of, accordingly.

01.03.2023
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

(VIVEK PURI)
JUDGE