

2023:PHHC:056049

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

233(4)

**CRM-M-21570-2018
Date of Decision.:20.04.2023**

**M/S Dashmesh Rice Mills and Another
Vs.
State of Punjab and Another**

**Petitioners

Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Amrindra Pratap Singh, Advocate
for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Kshitij Sharma, Advocate and
Mr. Shubhkarman Singh Gill, Advocate
for respondent No.2.

DEEPAK GUPTA, J. (ORAL)

On 11.07.2018, the following order was passed:

*“By way of filing this petition, the petitioners assails order dated 23.02.2018 passed by learned Additional Sessions Judge, Kapurthala whereby while ordering suspension of sentence as imposed upon the petitioners in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 ('Act' – for short), the petitioners have been ordered to pay an amount equal to 25% of the cheque amount. The learned counsel for the petitioners contends that in fact the petitioners have been behind bars since April, 2016 and that in these circumstances they are unable to pay aforesaid amount. Learned counsel has referred to a judgment dated 26.10.2017 passed in a bunch of cases including **CRM-M-31994-2017** by a Co-ordinate Bench of this Court wherein in identical circumstances similar condition as imposed by the Lower Appellate Court has been set aside.*

Notice of motion to the respondents for 29.10.2018.

In the mean time, the condition as regards deposit of 25% of the cheque amount contained in the impugned order shall remain stayed.

Photocopy of this order be placed on files of the connected cases.”

It is informed that appeal against conviction as recorded by the Trial Court, is still pending before Sessions Court.

It has been agreed by counsel for both the parties that this petition can be disposed of by directing the Appellate Court concerned to dispose of the appeal as expeditiously as possible, without insisting for compliance of the impugned order dated 23.02.2018.

Disposed of accordingly with the direction to the concerned Appellate Court to decide the appeal as expeditiously as possible preferably within a period of 3 months without insisting for the compliance of the order dated 23.02.2018

None of the observation made by this Court shall influence the decision of the Appellate Court.

April 20, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No