

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2023:PHHC:048831

(115)

CRM-M-15794-2023

Date of Decision: 29.03.2023

M/s Concept Capital Infra Projects Pvt. Ltd.

--Petitioner

Versus

Parveen Guraya & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Abhinav Gupta, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C. praying for setting aside the order dated 13.3.2023 (Annexure P-5) passed by the learned Addl. Sessions Judge, Chandigarh whereby order dated 14.12.2022 passed in CRA-348-2022 suspending the sentence during the pendency of the appeal was vacated.

Learned counsel for the petitioner submits that petitioner was convicted by the learned Trial Court under Section 138 of Negotiable Instruments Act and sentenced to undergo RI for one year and to pay compensation amount of Rs.17,16,000/- vide order dated 21.11.2022. The petitioner assailed the same by way of filing an appeal before the Appellate Court. Learned Appellate Court vide order dated 14.12.2022 suspended the sentence of the petitioner and directed the petitioner to deposit 20% of the amount of compensation under Section 148 of Negotiable Instruments Act in the shape of FDR (in the name of complainant). However, this court vide order dated 8.2.2023 modified the order dated 14.12.2022 by granting further time to the petitioner to deposit the 20% of the compensation amount by 10.3.2023. It is submitted that thereafter petitioner filed an application dated 13.3.2023 for granting exemption from personal

appearance and extension of time for complying with the order dated 14.12.2022, however, the learned Trial Court dismissed the same and further vacated the order dated 14.12.2022 whereby sentence of the petitioner was suspended. Counsel submits that the view taken by the learned Appellate Court being illegal deserves to be set aside. He submits that this court had already modified the order dated 14.12.2022 by granting further time to the petitioner to deposit 20% amount of the compensation by 10.3.2023. He submits that petitioner was in court on 10.3.2023 and as 11/12.3.2023 were bank holidays, petitioner was unable to prepare the bank draft. He submits that though the petitioner was ready to deposit the draft but the learned Appellate Court has illegally declined the same and vacated the suspension of sentence vide order dated 14.12.2022.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

It is apparent that the sentence of the petitioner was suspended by the Appellate Court vide order dated 14.12.2022 and petitioner was specifically directed to deposit 20% of the compensation amount, however, he assailed the same by way of filing CRM-M-6690-2023 before this court and the same was disposed of by this court vide order dated 8.2.2023 by modifying the impugned order to the extent of depositing the compensation amount by 10.3.2023. However, the petitioner despite having been granted further time by this court did not deposit the amount as per the undertaking given by him before this court. It is evident from the record that petitioner had been granted further time of a month to comply with the order of the learned Appellate Court, however, he never showed any keenness in complying with the orders passed by the Appellate Court as well as by this

court. The arguments raised by learned counsel for the petitioner are without any substance. The conduct of the petitioner is self-speaking as he did not show any interest in obeying the order passed by this court.

This court does not find any merit in the present petition and the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

29.03.2023

lucky	Whether speaking/reasoned:	Yes/No
	Whether Reportable:	Yes/No