

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.117

CRM-M-20026-2023

Date of Decision : April 24, 2023

Baljinder Kaur

...Petitioner

Versus

Gurinder Bir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurmail Singh Duhan, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks quashing of order dated 16.03.2023 passed by a learned Additional Sessions Judge, Panchkula imposing a condition of deposit of 25% of the total amount of compensation awarded subject to which the remaining sentence of the petitioner would remain suspended. The petitioner has been convicted in a complaint filed under Section 138 of Negotiable Instruments Act, 1881. Appeal thereagainst is pending.

2. Learned counsel for the petitioner has argued that the petitioner is a lowly peon and has not received any money from the complainant. Thus, her conviction is bad in law. Keeping in view her financial condition, the appeal may be ordered to be heard on an early date as has been done in CRM-M-12122-2018, decided on 02.08.2022 titled as ***Jitender Kumar Sarita vs. Usha Suri.***

3. I cannot comment on the legality or validity of the order passed by the trial Court as this petition is not directed against the said order. Suffice to say that the submission made by learned counsel for the petitioner cannot be accepted as no proposition of law has been laid down in ***Jitender***

Kumar Sarita (supra) and thus, the said order is not a judgment. Directing a subordinate Judicial Officer to decide an appeal on an early date would amount to interference in his functioning as this Court is not aware of his workload. Unless the higher Courts show consideration, the subordinate Judicial Officers may make mistakes while deciding cases under stress and strain, which may affect their careers adversely.

4. For the foregoing reasons, the submission cannot be accepted. No challenge has been made to the validity or legality of the impugned order and thus, the petition does not deserve to be entertained.

5. It is accordingly dismissed.

April 24, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No