

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120-3

CRM-M-21367-2023

Date of decision: 28.04.2023

Ranjit Singh

....Petitioner

Versus

M/s Sarwan Singh Cheema & Sons and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jasraj Singh, Advocate
for the petitioner

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 28.03.2023, Annexure P-4, passed by trial Court, Amritsar Criminal Appeal No. 109 dated 28.03.2023 titled as Ranjit Singh vs. M/s Sarwan Singh, pending for 23.08.2023 and stay of operation of the impugned order to the extent of the condition of deposit of 20% of the compensation amount.

2. Learned counsel for the petitioner after arguing for some time, restricts his prayer for grant of 60 days time to deposit the amount of compensation that in terms of the provisions of Section 148 (1) of the Negotiable Instruments (amended) Act, 2018, instead of 30 days, which the appellate Court has directed for the same. He relies on the order passed by this Court in **Amandeep Singh vs. Monika Bhatia**, CRM-M-54046 of 2018 decided on 06.12.2018.

3. In the present case, no notice is required to be issued to the

respondents as no order prejudicial to their rights, is being proposed to be passed by this Court.

4. Heard.

5. It would be apposite to make a reference to Section 148 (1) of Negotiable Instruments (Amendment) Act, 2018, which reads thus :-

'148.(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 deposit such sum which shall be minimum of twenty per cent 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 appeal.'

6. Apparently, in the present case the sentence of the petitioner has been suspended subject to deposit of 20% of compensation amount and furnishing bail and surety bonds on or before 28.04.2023, vide order dated 28.03.2023, thereby for granting of a period of 30 days for the said purpose. However, as is manifestly clear from the afore-referred provision whereby it is mandated that a period of 60 days is permitted for depositing the amount, which can even be extended upto 30 days, on sufficient cause being shown. In no manner, can the appellate Court be said to have any discretion to grant a period less than that as envisaged by the Statute.

7. In the case of **Amandeep Singh** (supra), as specified in sub Section 2 of Section 148 of the Negotiable Instruments (Amendment) Act, 2018, this Court granted a period of 60 days to deposit 25% of the amount of compensation, instead of till the next date of hearing, as had been directed by the lower appellate Court.

8. In view of the foregoing discussion, the petitioner is ordered to be granted the requisite period of 60 days for making the deposit of 20% of the amount of compensation, as per the direction of the lower appellate Court. The order dated 28.03.2023 stands modified accordingly.

9. The petition is disposed of.

(AMAN CHAUDHARY)
JUDGE

28.04.2023
Mehak

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