

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

CRM-M-22560-2023

Date of decision : 05.05.2023

M/s Nanda Enterprises

.....Petitioner

Versus

M/s Sara Fruits and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sushant Kareer, Advocate for the petitioner

AMAN CHAUDHARY, J.

1. Learned counsel for the petitioner submits that despite the mandate of Section 148 of the Negotiable Instruments Act and the judgment of Hon'ble The Supreme Court in the case of **Surinder Singh Deswal vs. Virender Gandhi** reported in (2019) 11 SCC 341, the lower appellate Court while suspending the sentence vide order dated 12.09.2022, Annexure P-3, has not directed the accused-respondents, who stand convicted by the trial Court vide judgment/order dated 22.08.2022, to deposit 20% of the amount of compensation. In that regard, an application, Annexure P-4, under Section 148 of NI Act was filed by the petitioner on 13.12.2022, reply, Annexure P-4A, to which has already been submitted by the accused-respondents, but till date, the same has not been decided.
2. At this stage, learned counsel for the petitioner seeks to withdraw the present petition but prays for directing the lower Appellate Court to decide the said application within a period of two weeks.

3. The present petition is dismissed as withdrawn.
4. However, keeping in view of the peculiar facts and circumstances of the case and the prayer made, the lower appellate Court is requested to decide the aforesaid application, Annexure P-4, pending before it, expeditiously, preferably on the next date of hearing.

5.05.2023
gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No