

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-22295-2023
Decided on: 05.05.2023

Surinder Kumar KakkarPetitioner

Vs.

Manminderjit Singh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA J.

Criminal Complaint	CIS No.NACT/1165/2018 CNR No.PBJL030060912018 Date of decision: 10.03.2023
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Seeking quashing of the impugned order dated 05.04.2023 passed by the learned Additional Sessions Judge, Jalandhar, whereby sentence of imprisonment imposed upon the petitioner was suspended till final disposal of the appeal, subject to the deposit of 30% of compensation amount.

2. The nature of the order this Court proposes to pass, no prejudice would prima facie cause to first respondent because the order was passed under Section 148 of Negotiable Instruments Act without their being application filed in that record. The petitioner who was convicted by the trial Court is aggrieved by the order to deposit 30% of the compensation amount i.e. Rs.4 lacs on the ground of his financial condition.

3. Be that as it may, petitioner’s counsel submits that he would be contended and satisfied if the amount is reduced to Rs.50,000/- to be paid by 31.05.2023.

4. Given the candid submission of the petitioner, the order is modified and instead of 30% of compensation amount, the petitioner shall deposit Rs.50,000/- which shall be kept in the shape of fixed deposit in the name of the complainant and the same shall only be released to the complainant either after dismissal of the appeal if it happens and in case the appeal is

upheld, then after waiting for 90 days period for filing criminal revision. Further the trial Court is directed to expedite the hearing of the appeal and decide it positively by 31.07.2023. The petitioner is directed not to seek any adjournment however if the respondent seeks adjournment, time for which he will seek, shall be extended for decision of the appeal.

5. Petition is allowed in the terms mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.05.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.