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127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31624-2023 (O&M)
Date of Decision: 21.09.2023

Tarun Miglani

..... Petitioner

Versus

Vishal Goyal

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vivek Singla, Advocate, for
Mr. Gautam Kaile, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing and setting aside the impugned order dated 06.05.2023 passed by the first Appellate Court, wherein the application of the petitioner under Section 143-A of the Negotiable Instruments Act, 1881, for interim compensation stands dismissed in CRA-111-2018 titled as 'Vishal Goel Vs. Tarun Miglani'.

2. Undisputedly, the appeal against the conviction under Section 138 of the Negotiable Instruments Act is pending before the Lower Appellate Court. However, during the pendency of the appeal, the Lower Appellate Court has not found it justified to put the condition of the deposit of 20% of the check amount upon the appellant. This Court does not find any illegality in the order passed by the Court below. Moreover, the

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petitioner, as a complainant, does not having any remedy or right to move an application requiring the Court to impose a condition of deposit of 20% of the cheque amount upon the accused to enable him to avail his right to appeal.

3. In view of the above, this Court does not find any ground to interfere in the matter.

4. Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

21.09.2023
adhikari

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