

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

115

CRM-M-33467 of 2023

Date of Decision:14.07.2023

Prem Chand

....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Nipun Bhardwaj, Advocate,  
for the petitioner.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 11.11.2021 (Annexure P-3) vide which a condition to pay 20% of the cheque amount to respondent No.2 has been imposed upon the petitioner in the appeal filed by him before the learned Addl. Sessions Judge, Kaithal.

2. Learned counsel for the petitioner submitted that the petitioner was convicted by the learned trial Court and thereafter an appeal was filed before the learned Addl. Sessions Judge, Kaithal wherein he was directed to deposit 20% of the cheque amount in pursuance of the provision of Section 148 of the Negotiable Instruments Act, 1881. He submitted that sympathetic view may be taken as the petitioner is not able to pay the aforesaid amount.

3. I have heard learned counsel for the petitioner.

4. The aforesaid provision is reproduced as under:-

**“148. Power of Appellate Court to order payment pending appeal**

**against conviction.** *(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 a 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 the appeal: Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, 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 complainant.”*

6. The petitioner has been asked to pay 20% of the cheque amount in reference of the statutory provision. Therefore, the prayer made by the petitioner that sympathetic view may be taken is not sustainable. Consequently, finding no merit in the present petition, the same is dismissed.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**July 14, 2023**

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| dinesh | Whether speaking   | : | Yes/No |
|        | Whether reportable | : | Yes/No |