

IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH

137

CRM-M-46129-2023 (O&M)

Date of Decision: 14.09.2023

GURVINDER SINGH @ GOLDI

... Petitioner

Versus

RAM GOPAL

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Karan Garg, Advocate  
for the petitioner.

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**HARNARESH SINGH GILL, J.(Oral)**

Challenge is to the order dated 08.08.2023 (Annexure P-5) passed by the learned Additional Sessions Judge, Fatehabad, in Criminal Appeal No.CRA-149-2022 dated 05.11.2022, vide which the application moved by the petitioner seeking time to deposit the 20% of the compensation amount, was not considered and the petitioner has been directed to deposit the same.

In a complainant filed by Ram Gopal (since deceased) through his legal heirs under Section 138 of the Negotiable Instruments Act, the petitioner was convicted under the said Section vide judgment of conviction dated 06.10.2022 passed by the learned Sub-Divisional Judicial Magistrate, Ratia, and sentenced to undergo rigorous imprisonment for a period of 6 months and to pay compensation to the tune of the cheque amount i.e. Rs.10,00,000/-, along with the default clause.

Aggrieved against the said judgment of conviction, the petitioner preferred an appeal before the learned Additional Sessions Judge, Fatehabad, wherein vide order dated 05.11.2022 the petitioner has been directed to deposit 20% of the compensation amount i.e. Rs.2,00,000/- (20% of Rs.10,00,000/-), within 60 days. He further submits that on 08.08.2023, the petitioner moved an application wherein two fold prayers were made; one seeking exemption from personal appearance and another to grant time till 30.11.2023 to deposit the 20% of the compensation amount. The first prayer of exemption from personal appearance was accepted but the second prayer was not considered.

Learned counsel for the petitioner further submits that apart from the present case, the petitioner is facing two more cases under the same Section, wherein also he has been convicted and that in appeals against the said convictions, he has been directed to deposit 20% of the compensation amount i.e. Rs.2,00,000/- each, which the petitioner has already deposited, as would be evident from the orders dated 01.06.2023 (Annexure P-6) passed by the learned Sessions Judge Fatehabad. He, thus, submits that due to the aforesaid reason, the petitioner was unable to arrange and deposit 20% of the compensation amount in the present case, which he is ready to deposit on or before 30.11.2023.

At this stage, learned counsel for the petitioner prays that issuance of notice to the respondent be dispensed with as the order directing the petitioner to deposit 20% of the compensation amount had been passed in the absence of the respondent.

In view of the above and to avoid further the delay, issuance of notice to the respondent is hereby dispensed with.

I have heard the learned counsel for the petitioner.

As noticed above, the petitioner is facing two more cases under Section 138 of the Negotiable Instruments Act, 1881, wherein also he had been convicted by the learned trial Court. In appeal against said convictions, the petitioner had been directed to deposit 20% of the compensation amount, which he has already deposited. The petitioner is seeking some breathing time to deposit the amount in the present case as well.

In view of the above, the petitioner is permitted to deposit 20% of the compensation amount i.e. Rs.2,00,000/- on or before 30.11.2023.

The learned Additional Sessions Judge, Fatehabad, is directed to adjourn the appeal beyond 30.11.2023, enabling the petitioner to deposit the 20% amount.

However, it is made clear that in case the petitioner failed to deposit the aforesaid amount, then the learned Additional Sessions Judge, Fatehabad, would be at liberty to proceed with the matter, in accordance with law.

Disposed of in the above terms.

**14.09.2023**

Aman Jain

**(HARNARESH SINGH GILL)**  
**JUDGE**

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