

S. No.123

2023:PHHC:154074

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46663 of 2023

Date of Decision:04.12.2023

Basant Singh

.....Petitioner

Vs.

Gurender Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vivek Goyal, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Petitioner has challenged order dated 08.09.2022 (Annexure P.4) passed in Criminal Appeal No.98 of 2022 titled “Bansant Singh Vs. Gurnder Singh”, whereby the Appellate Court directed to deposit 20% of the compensation amount, while admitting the appeal against conviction recorded by the trial Court under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner has made a statement and also referred to the order dated 04.04.2022 (Annexure P.2) so as to contend that during the pendency of the trial before the Magistrate itself, petitioner had already paid an amount of ₹2,50,000/- to the complainant out of cheque amount of ₹10 lacs and thus, 25% of the cheque amount has already been paid. Learned counsel then referred to Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd. & others, - Criminal Appeal No.2741 of 2023 decided on 04.09.2023, wherein after referring to Surinder Singh Deswal alias Colonel S.S. Deswal and others Vs. Virender Gandhi, (2019) 11 SCC 341, Hon'ble Supreme Court had held that exceptional circumstances can be made out for exempting the appellant to deposit 20% of the compensation amount.

Having regard to the afore-said facts and circumstances, as pointed out by learned counsel, i.e. 25% of the cheque amount having already been paid during pendency of the trial itself, this petition is hereby disposed of with direction to the Appellate Court concerned to dispose of the appeal without insisting for deposit of 20% of the compensation amount as directed by way of impugned order dated 08.09.2022 (Annexure P.4).

Since this petition is being disposed of in the absence of the respondent, the said respondent will be at liberty to approach this Court in case he is aggrieved.

December 04, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No