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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52953-2022 (O&M)

Date of decision: 20.07.2023

Deepak Garg

...Petitioner

Vs.

Vivek Singal

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.K.Tripathi, Advocate,
For the petitioner.

Mr. N.C.Kinra, Advocate,
For the respondent.

ARUN MONGA, J. (ORAL)

Aggrieved by the condition of depositing 25% of the total compensation amount while suspending the sentence in an appeal against the conviction under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), the convict has come up before this Court against the said condition.

2. Vide judgment dated 05.09.2022, petitioner was convicted for commission of the offence under Section 138 of the Act. Feeling aggrieved, petitioner had challenged the same before learned Sessions Court. While suspending the sentence, vide impugned order dated 14.10.2022 (Annexure P-3), learned Sessions Judge, Panchkula directed the appellant (petitioner herein) to deposit 25% of the total compensation amount i.e., Rs.46,87,500/-by way of demand draft or by way of bank guarantee in favour of the complainant on or before the date fixed therein i.e., 12.12.2022.

3. While issuing notice of motion on 16.11.2022, a coordinate Bench of this Court presided over by my learned brother, Arvind Singh Sangwan, J. had passed the following order:

“Learned counsel for the petitioner submits that the petitioner, at this stage, can deposit 10% of the amount, as directed in the impugned order dated 14.10.2022.

Notice of motion for 27.04.2023.

The petitioner is directed to deposit 10% of the cheque amount before the lower appellate Court within a period of two months from today. In that eventuality, the appeal be not dismissed for non-compliance of the impugned order.”

4. *Apropos*, learned counsel for the petitioner states that petitioner had deposited requisite amount in terms of the order dated 16.11.2022, which is not controverted by learned counsel for the respondent.
5. Being so, in view of the aforesaid order passed by a coordinate Bench, the impugned order dated 14.10.2022 (Annexure P-3) has to be necessarily set aside since it has already been modified in terms of the order 16.11.2022, *ibid*. It is so ordered accordingly.
6. It is clarified that learned Appellate Court shall proceed to decide the appeal, in accordance with law.
7. Instant petition is, accordingly, disposed of.
8. Pending application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.07.2023
vandana

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