

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

Sr. No.220

CRM-M-54638-2022

Date of Decision : January 05, 2023

Kamaljeet

...Petitioner

Versus

Harbans Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dharam Bir Bhargav, Advocate with
Mr. Kulwinder Bhargav, Advocate and
Mr. Ajay Partap Singh, Advocate, for the petitioner.

Mr. Madan Sandhu, Advocate for respondent.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as the Act) by the trial Court and was sentenced to undergo RI for two years and to pay compensation of Rs. 12 lacs. Against this judgement, an appeal has been filed which is pending. Vide impugned order dated 10.11.2022, notice of the appeal was issued and sentence was suspended subject to deposit of 5% of the compensation amount within one month from the date of the order. This order is under challenge in the present petition on the ground that Section 148(2) of the Act provides 60 days period for deposit which is extendable by another 30 days on sufficient cause being shown. Thus, the time awarded was in violation of the statutory provision.

Learned counsel for the respondent submits that a period of more than 60 days has elapsed since the passing of the impugned order, yet, compensation amount has not been deposited. The petitioner is a travel

Section 148 (2) of the Act explicitly provides a period of 60 days from the date of passing of the order for deposit of the amount ordered to be deposited by the Appellate Court. Thus, impugned order suffers from a legal infirmity as less time was provided to the petitioner.

Meanwhile, the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the Appellate Court concerned, if, he is not required to be kept in custody in any other criminal case.

Ankur

Yes/No

Yes/No