

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

(206)

**CRM-M-47250 OF 2019
DATE OF DECISION:-09.05.2023**

Vinay Kumar Sidana

...Petitioner

vs.

Kuldeep Bhatia and another

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tarun Kumar, Advocate, for
Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 04.09.2019 passed by the Court of learned Sessions Judge, Faridabad in Criminal Appeal No.CRA-607 of 2019 whereby the petitioner has been directed to deposit 25% of the compensation amount as per Section 143-A and 148 of the Negotiable Instruments Act, 1881.

(2) Vide judgment dated 05.08.2019 passed by the Court of JMIC, Faridabad, whereby, petitioner was held guilty and convicted under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”) followed by an order of sentence dated 06.08.2019 directing him to undergo simple imprisonment for a period of 6 months besides payment of compensation to the tune of Rs.3,75,000/-.

(3) Aggrieved thereof, petitioner filed appeal before the Court of Sessions Judge, Faridabad. Vide order dated 04.09.2019, the first appellate Court, in exercise of power under Section 148 of the Act directed the

petitioner to deposit a sum of Rs.93,750/- being 25% of the amount of compensation as awarded by the trial Court.

(4) By way of present petition, challenge has been made to the order dated 04.09.2019 learned counsel for the petitioner submits that while passing the impugned order, the first appellate Court has exceeded its jurisdiction and has failed to take into consideration the feeble financial condition of the petitioner.

(5) I have heard learned counsel for the petitioner and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

(6) No reliable evidence or document has been placed on record so as to show the weak financial status of the petitioner. As per Section 148 of the Negotiable Instruments Act, the first appellate Court has power to direct the appellant to deposit a minimum of 20% of the fine or compensation. I have perused the order and I do not see any illegality or infirmity therein at the hands of the first appellate Court while having exercised its power under Sub-Section 1 of Section 148 of the Act, however, taking a lenient view in the matter, the direction issued by the appellate Court regarding deposit of 25% of the compensation amount is modified to an extent that petitioner shall now deposit 20% of the compensation amount within a period of 2 weeks from today.

(7) In view thereof, the present petition is disposed of.

09.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No