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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58093-2022
Date of Decision: 29.05.2023

KULBIR SINGH
VS
RAVINDER KAUR

..... PETITIONER
..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. M.S.Uppal, Advocate for the petitioner.
Mr.Chaitanya Rai Vashisth, Advocate for
respondent/complainant.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 482 Cr.P.C is to quash the impugned orders dated 02.09.2021(Annexure P-2) and dated 16.11.2022 (Annexure P-3) passed by learned Addl. Sessions Judge, Chandigarh respectively in CRA No. 40-2021 titled as Kulbir Singh Vs. Ravinder Kaur etc whereby petitioner has been ordered to deposit 20% of compensation amount awarded by learned trial Court, within a period of one month.

On 13.12.2022, the following order was passed by this Court;-

“Learned counsel for the petitioner submits that the petitioner was convicted and sentenced by learned Judicial Magistrate Ist Class, Chandigarh vide judgment dated 04.08.2021 (Annexure P-1). Aggrieved against the said judgment, the petitioner filed appeal along with application for suspension of sentence and compensation till the pendency of the appeal filed there. The learned Appellate Court, vide order dated 02.09.2021 (Annexure P-2), suspended the sentence imposed upon the appellant, on furnishing personal bonds and two surety bonds. However, the appellant was further directed to deposit 20% of the amount of compensation imposed by the learned Trial Court under Section 357(3) Cr.P.C. within 60 days.

Again on 16.11.2022, the matter was re-examined and learned Additional District Judge, Chandigarh passed the following order :-

“.....In the given circumstances, the present application stands disposed of with the direction to the appellant to deposit the 20% of the amount of the compensation imposed by the learned Trial court under Section 357(3) Cr.P.C. within one month, in the shape of FDR (in the name of complainant), in the learned Trial Court. In case, the said payment/deposit is not made within the said period, the bail granted to the appellant and his suspension of sentence shall automatically stand cancelled and learned Trial Court shall be at liberty to proceed against the appellant in accordance with law for execution of sentence.”

Learned counsel for the petitioner, relying upon a judgment passed by a Co-ordinate Bench of this Court in the case of Vivek Sahni and another vs. Kotak Mahindra Bank Ltd. reported as 2019 (4) RCR (Criminal) 614, has further submitted that due to default of payment of interim compensation of 20% granted under Section 148 of the Negotiable Instruments Act, bail of the appellant cannot be cancelled.

Notice of motion for 07.02.2023.

In the meanwhile, operation of the order dated 16.11.2022, passed by learned Additional District Judge, Chandigarh (Annexure P-3), shall remain stayed.

However, respondent-complainant would be at liberty to recover the amount of compensation by executing the said order, as per law. ”

The learned counsel for the petitioner submits that respondents has already filed execution for recovery of amount of compensation. Since respondent/complainant is recovering the amount of compensation so order dated 13.12.2022 is hereby confirmed. The bail of appellant be not cancelled due to default of non payment of amount of compensation awarded by the Appellate Court during pendency of appeal.

Petition stands disposed of.

(GURBIR SINGH)
JUDGE

29.05.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>