

CRM-M-56152-2023

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

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**CRM-M-56152-2023
Date of decision: 16.11.2023**

BALWINDER SINGH@BINDER

...Petitioner

Versus

HARSHWNDER SINGH

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Kuldip Singh, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed for quashing the order dated 05.10.2023 (Annexure P-7) passed by Additional Sessions Judge, Fazilka, whereby an application filed by the petitioner seeking extension of time for depositing 20% of the compensation amount, has been dismissed.
2. It is submitted by counsel for the petitioner that the petitioner has been convicted and sentenced for an alleged offence under Section 138 of the Negotiable Instruments Act. Feeling aggrieved against the same, the petitioner has filed an appeal before the lower Appellate Court. The lower Appeal Court has been gracious enough to extend the concession of suspension of sentence imposed upon the petitioner, and, thus, releasing him on bail, vide order dated 13.06.2023. However, while suspending the sentence of the petitioner, the Appellate Court had imposed the condition of depositing 20% of the compensation amount within 60 days. Since the petitioner is a farmer and his crops had been destroyed, therefore, he could

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not deposit the ordered amount within the stipulated time. Accordingly, an application was moved before the lower Appellate Court for extension of time for depositing the said amount. However, the said application has also been dismissed by the lower Appellate Court. But now, the petitioner is having the requisite funds to comply with the order and he will deposit the ordered amount within a period of 07 days, if the time for depositing the amount is extended.

3. Having heard counsel for the petitioner and having perused the case file, this Court finds substance in the arguments of counsel for the petitioner. No doubt, the petitioner has lost sympathy of the court on account of non-compliance of the order passed by the lower Appellate Court, however, the petitioner being a farmer, appears to be justified in his helplessness of not depositing the amount within the specified time. But now, the petitioner undertakes to deposit the amount ordered, vide order dated 13.06.2023, within a period of 07 days. Therefore, it would not be unjustified to extend the time granted to the petitioner; by another period of 07 days starting from tomorrow i.e. 17.11.2023.

4. Accordingly, the impugned order dated 05.10.2023 passed by the Addl. Sessions Judge, Fazilka, is set aside. The time granted by the lower Appellate Court, vide order dated 13.06.2023, is extended for another period of 07 days starting from tomorrow i.e. 17.11.2023. Therefore, it is further ordered that the suspension of sentence qua the petitioner shall continue in terms of the order passed by the lower Appellate Court, subject to his depositing the above-said amount within a period of 07 days from tomorrow i.e. 17.11.2023.

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5. Allowed in the above-said terms.

16.11.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No