

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:144743
CRM-M-57496-2023 (O&M)
Date of Decision: November 15, 2023

Rajesh Kumar @ Rajesh

...Petitioner

Versus

Nain Feeds

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parveen Kumar, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred as 'the N.I. Act'). He filed appeal. While suspending the sentence, learned Addl. Sessions Judge, Hisar, vide impugned order dated 18.09.2023 (Annexure P-4) directed the petitioner to deposit 20% of the compensation amount as imposed by the Trial Court within a period of 60 days. Against the said order, present petition has been filed.

Learned counsel for the petitioner contends that the petitioner has a big family of 7 members and is unable to pay the compensation. So the condition of payment of 20% compensation amount be exempted.

Learned counsel has referred to "*Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & Ors.*", 2023(4) R.C.R. (Criminal) 296, wherein it has been held by the Hon'ble Supreme Court that in case the Appellate Court is satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of the appeal of the appellant, exception can be made for the reasons to be specifically recorded.

In the present case, no extraordinary circumstances have been pointed out by the petitioner. Simply because the petitioner has a big family of 7 members, is not a ground to exempt him from making payment of 20% of the compensation amount, as mandated under Section 148 of the N.I. Act.

As such, the present petition is dismissed.

November 15, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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