

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

CRM-M-60511-2023

Date of Decision: 02.12.2023

Gurbaz Singh alias Gurbaj Singh

...Petitioner

vs.

Dalwinder Singh and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajinder Singh Bhatta, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has been convicted for the offence under Section 138 of Negotiable Instruments Act by the Sub-Divisional Judicial Magistrate, Jalalabad vide judgment dated 25.08.2023 and sentenced to undergo rigorous imprisonment for 2 years. He has further been directed to pay compensation to Rs. 20 Lakhs along with interest @ 9% per annum. He preferred an appeal against the said judgment before the District and Sessions Judge, Fazilka who vide order dated 25.09.2023 had suspended the sentence of imprisonment imposed upon the petitioner, subject to his depositing 20% of the compensation amount before the Ld, Trial Court/Duty Magistrate.

2. Learned counsel relies on the decision of this Court in “CRM-M-29187-2019 titled as Vivek Sahni and another Vs. Kotak Mahindra Bank Ltd.” to contend that the order of sentence of suspension cannot be made conditional on the deposit of 20% of the amount. The amount of compensation can be recovered in the manner as prescribed in the Negotiable Instruments Act.

3. Accordingly, order dated 25.09.2023 is modified to the extent that the suspension of sentence of the petitioner during the pendency of the appeal shall not be revoked on his failure to deposit the 20% of the compensation amount.

Disposed of.

02.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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