



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

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CRM-M-615-2023

Date of Decision : **May 14, 2024**

DHEERAJ MIDHA

.....Petitioner

VERSUS

CEMENT SALES

.....Respondent

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CRM-M-749-2023

DHEERAJ MIDHA

.....Petitioner

VERSUS

CEMENT SALES

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Divyam Singh, Advocate for
Mr. Randeep Singh, Advocate
for the respondent.

KULDEEP TIWARI, J. (Oral)

1. In both the petitions, the petitioner(s) is aggrieved by the order of the learned Appellate Court dated 4.11.2022, whereby, the petitioner was directed to deposit 20% of the compensation amount within a period of 60 days, therefore, both the petitions are amenable to be decided together.

2. The petitioner has faced trial for the offence punishable under Section 138 of the Negotiable Instruments Act in a private complaint instituted by the respondent-complainant.

3. The learned trial Court vide its judgment dated 27.9.2022

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held the petitioner guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and vide order dated 1.10.2022 sentenced him to undergo rigorous imprisonment for a period of one year and also directed him to pay compensation amount of Rs.15 lacs to the complainant under Section 357(3) Cr.P.C.

4. Having aggrieved with the judgment of conviction and order of sentence(supra), the petitioner has preferred a statutory appeal, which is pending adjudication before the learned Appellate Court concerned. He has also filed application for suspension of sentence, which was allowed, however, with a condition to deposit 20% of compensation amount awarded by the learned trial Court concerned within 60 days. The condition so imposed has caused grievance to the petitioner and led him to file the instant petitions seeking quashing of order(s) dated 4.11.2022.

5. It transpired from the proceedings happened before this Court that the petitioner is required to deposit Rs.6 lacs as compensation amount in both the appeals and as on today, during the pendency of the instant petition(s), the petitioner has given Rs.3,50,000/- to the complainant-respondent before this Court.

6. Learned counsel for the petitioner submits that in case adequate time is granted to the petitioner, he will deposit the rest of the amount before the learned trial Court concerned as per the directions issued by the learned Appellate Court.

7. The prayer of the petitioner is not opposed by the learned



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counsel for the respondent.

8. In view of the above, the instant petitions are **disposed** of with a direction to the petitioner to deposit the rest of the amount of Rs.2,50,000/- before the learned trial Court concerned by way of demand draft, as required by the learned Appellate Court within six weeks from today. Till then the interim directions issued by this Court shall remain enforce and thereupon, the learned Appellate Court shall decide the appeals on its own merits.

9. In case the petitioner fails to deposit the rest of the amount within six weeks from today, the interim direction issued by this Court shall be deemed to be *ipso-facto* vacated without any further reference to this Court.

10. **Disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

May 14, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No