

S. No.127

2024:PHHC:006313

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2503 of 2024

Date of Decision:18.01.2024

Sahil Puri

.....Petitioner

Vs.

Sonu Kumar and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sunny K. Singla, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, vide judgment of conviction and order of sentence dated 13.12.2023 in Criminal Complaint titled “Sonu Kumar Singla Vs. Sahil Puri, CNR No.PBSGC1-001503-2019, by the Court of learned Judicial Magistrate Ist Class, Malerkotla. Against his conviction and sentence, petitioner filed appeal. The Court of Sessions vide impugned order dated 22.12.2023 (Annexure P.3), has directed the petitioner to deposit 20% of the compensation amount within 60 days.

Learned counsel for the petitioner submits that no opportunity of hearing was provided to him before passing the impugned order which has prejudiced him. Reliance is placed upon a judgment of Hon’ble Supreme Court in **Jambo Bhandari Vs. MP State Industrial Development Corporation Ltd and others, 2023 INSC 822.**

Without serving any notice of this petition to the respondents, lest it may delay proceedings, this petition is hereby disposed of with direction to the trial Court to pass fresh order after providing opportunity to the petitioner in the light of the observations made by Hon’ble Supreme Court in **Jambo Bhandari’s**

case (supra). The impugned order dated 22.12.2023 (Annexure P.3) is hereby set aside.

As the order has been passed without hearing the respondents, therefore, the respondents will be at liberty to approach this Court in case they are not satisfied with the same.

January 18, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No