

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

242

CRR-301-2020 (O&M)
Date of decision:- 28.02.2024

Jagtar Singh

...Petitioner

Versus

M/s Jatinder Kumar and Company

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Ashish Grover, Advocate for the petitioner.

None for the respondent.

PANKAJ JAIN, J. (Oral)

1. The present petition is directed against order dated 01.11.2019 whereby the petitioner was directed to pay/compensation as per Section 148 of the Negotiable Instruments Act. While issuing notice of motion on 31.01.2020, following order was passed:-

“Learned counsel for the petitioner states that in terms of order dated 01.11.2019, the directions were issued to deposit 20% of cheque amount/compensation as per Section 148 of the Negotiable Instruments Act and such directions can only be passed in an appeal by the drawer against the conviction under Section 138 of the Negotiable Instruments Act.

It has been further stated that the petitioner is not drawer of the cheque and in fact, the cheque has been issued under the signatures of his father-Raghuveer Singh.

Notice of motion for 15.04.2020.

Meanwhile, the operation of the condition with regard to the deposit of 20% of the cheque amount/compensation shall remain stayed.”

2. As per office report, though respondent stand served through

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his brother, he remained unrepresented till date.

3. Without going into the merits and the contention raised by the counsel for the petitioner, in the considered opinion of this Court, pendency of the present petition before this Court does not serve interest of any other parties.

4. Thus, the present petition is hereby disposed off with a direction to the appellant Court to decide the appeal preferred by the petitioner within one month from today without insisting upon payment of compensation awarded against the petitioner under Section 148 of the Negotiable Instruments Act vide impugned order dated 01.11.2019.

5. The instant order is being passed in the absence of the respondent as he opted not to come present despite service.

6. In case the respondent is aggrieved of the present order he shall be at liberty to move an appropriate application.

7. Copy of the order be served upon the concerned court.

8. Pending applications, if any, shall stand disposed off.

(PANKAJ JAIN)
JUDGE

28.02.2024

spn

Whether speaking/reasoned : Yes
Whether Reportable : No