

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124 CRM-M-6508-2024
Date of Decision.:08.02.2024

Vikram Singh and AnotherPetitioners
Vs.
Nasar and AnotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

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

DEEPAK GUPTA, J. (ORAL)

Petitioners were convicted under Section 138 of the Negotiable Instruments Act, vide judgment of conviction and order of sentence dated 29.07.2023 in Criminal Complaint titled “Vikram Singh & Anr. v. Nasar & Anr.” CNR No.PBSGC1-001820-2018, by the Court of learned Judicial Magistrate Ist Class, Malerkotla. Against his conviction and sentence, petitioners filed appeal. The Court of Sessions vide impugned order dated 28.08.2023 (Annexure P.4), has directed the petitioners to deposit 20% of the compensation amount within 60 days.

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

3. 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 petitioners in the light of the observations made by Hon’ble Supreme Court in *Jamboo Bhandari’s case (supra)*. The impugned order dated 28.08.2023 (Annexure P.4) 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.

(DEEPAK GUPTA)
JUDGE

February 08, 2024

Neetika Tuteja

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