

2024:PHHC:021812

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

129 CRM-M-8124-2024
Date of Decision : February 15, 2024

NAVDEEP GOYAL @ NAVDEEP KUMAR -PETITIONER

V/S

BIKRAMJIT SINGH MANSAHA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. G.S. Jagpal, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner seeks quashing of the order dated 11.12.2019 (Annexure P-5), whereby, the learned Additional Sessions Judge concerned has directed him to deposit 20% of the compensation amount, within a month therefrom, before the learned trial Court concerned.

2. As a matter of fact, the learned trial Court concerned has, through drawing the verdict of conviction on 16.08.2018, upon Complaints No.3551 and 3552 of 2015, convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as the 'N.I. Act'). Moreover, the hereinafter extracted sentence has also been imposed upon the petitioner, through order of sentence dated 16.08.2018:-

Complaint No.3551 dated 30.11.2025

Name of Convict	Convicted under Section	Sentence
Navdeep Kumar	138 of the N.I. Act	R.I. for one year and compensation equivalent to Rs.2,66,000/- along with 12% interest per annum, from the date of transaction till the actual realization

Complaint No.3552 dated 30.11.2015

Name of Convict	Convicted under Section	Sentence
Navdeep Kumar	138 of the N.I. Act	R.I. for one year and compensation equivalent to Rs.15,00,000/- along with 12% interest per annum, from the date of transaction till the actual realization

3. The verdict of conviction and order of sentence (supra) caused pain to the petitioner and triggered him to institute a statutory appeal thereagainst before the learned appellate court concerned, which is pending consideration. However, the learned appellate court concerned has, through the impugned order (Annexure P-5), directed him to deposit 20% of the compensation amount, within a month therefrom, before the learned trial Court concerned. Feeling aggrieved by the impugned order (Annexure P-5), the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in his assailing the impugned order (Annexure P-5), submits that the case of the petitioner falls in “exceptional category”, inasmuch as, he does not have any means to make payment of even 20% of the awarded compensation amount.

5. To buttress his submission, the learned counsel for the petitioner has placed reliance upon the judgment rendered by the Hon’ble Supreme Court in **“Jamboo Bhandari V/s M.P. State Industrial Development Corporation Ltd. & Ors.”, 2023(3) Law Herald (SC) 2433.**

6. On a specific query being posed by this Court, vis-a-vis, *“whether the petitioner has, or, has not, since 2019 till date, made an application before the learned appellate court concerned, thereby bringing the aforesaid facts on record”*, the learned counsel for the

petitioner returned an answer in negative.

7. In such circumstances, this Court, at this stage, refrains from making any interference in the matter, and, deems it appropriate to relegate the petitioner to the learned appellate court concerned, by making an appropriate motion. In case, the petitioner falls within “exceptional category”, as per the law laid down by the Hon’ble Supreme Court in this regard, thereupon the learned appellate court concerned shall make a decision on the application, if any preferred by the petitioner, as per law.

8. Disposed of accordingly.

February 15, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No