

CRM-M-9875-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M-9875-2024
Decided on: 20.11.2024

Dalbara Singh ...Petitioner

Versus

Prem Chand Jain and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Shubham Chandel, Advocate
for the respondents.

ANOOP CHITKARA, J.

Criminal Complaint	Case Registration No.NACT/882/2018 CNR No.PBSGC1-002407-2018 Decided on: 17.05.2023
Criminal Appeal	CNR No.PBSG010054682023 CRA-218-2023

Aggrieved by the condition of depositing 20% of the compensation amount while suspending the sentence in an appeal against the conviction, the convict has come up before this Court against the condition, by filing the present petition under Section 482 CrPC.

2. Vide judgment dated 17.05.2023, the petitioner was convicted and sentenced to undergo rigorous imprisonment for two years for commission of offence under Section 138 of Negotiable Instruments Act, 1881 (for short N.I. Act) and pay fine of Rs.5,000/- and to pay compensation of Rs.6,25,429/- equal to the cheque amount to the complainant. Feeling aggrieved, he had challenged the same before the Sessions Court. While suspending the sentence, vide order dated 12.06.2023, Vacation Judge/Additional Sessions Judge, Sangrur, directed the appellant to deposit 20% of the compensation amount within 60 days.

3. Counsel for the petitioner submits that petitioner has no money to deposit the desired amount and prayed for quashing of condition imposed by the Appellate Court.

**CRM-M-9875-2024**

4. On 23.10.2024, counsel appearing for the respondents opposed the present petition and submitted that petitioner is a person of means and he has capacity to deposit the amount. Faced with the opposition, petitioner's counsel showed his willingness to declare his all assets to show his inability to deposit the 20% of the compensation amount and he further submitted that he shall not claim such declaration as violation of his any fundamental right. Today, in compliance to the order dated 23.10.2024, petitioner has handed over an affidavit whereby he declared all his assets. Original affidavit is supplied to respondents' counsel and photocopy of the same is taken on record. Counsel for the petitioner submits that he is ready to deposit 10% of the compensation amount.

5. I have perused the given documents and am satisfied with the pleadings so made that the petitioner is not in a position to deposit Rs.1,25,000/-. At this stage, counsel for the complainant submits that petitioner be directed to cooperate in the early disposal of appeal.

6. Given the above, the present petition is partly allowed. Considering the contents of the affidavit, the amount is reduced to 10 % from 20% of compensation amount which comes to 62,500/-. Let the petitioner deposit the said amount by 30.11.2024, failing which, this order shall stand recalled automatically u/s 403 r/w 528 BNSS 2023 without any further reference to this Court. It is clarified that petitioner shall not seek any unnecessary adjournment before the Appellate Court. Pending applications, if any stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.11.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.