

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

**CRM-M No. 13186 of 2024 (O&M)
Date of Decision: 14.03.2024**

Chamkaur Singh

..... Petitioner

Versus

Primary Co-op Agricultural Development Bank Ltd.
(PADB), Malerkotla

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Vir Singh Behl, Advocate,
for the petitioner.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 21.12.2023 (Annexure P-9) passed by the learned Additional Sessions Judge, Sangrur, whereby a condition was imposed upon the petitioner for deposit of 20% of the total amount of compensation within 60 days from that order in case No. CRA-499-2023, titled “*Chamkaur Singh Versus Primary Co-op. Agricultural Development Bank Ltd. etc.*”.

[2] Briefly stating, having been implicated in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”), filed at the instance of respondent-complainant, the petitioner came to be convicted vide judgment dated 04.12.2023 and sentenced vide order of even date passed by the Sub Divisional Judicial Magistrate, Malerkota, to undergo rigorous imprisonment for one year, besides payment of compensation to the tune of double of the cheque amount to the complainant.

Aggrieved thereof, the petitioner preferred first appeal alongwith application for suspension of sentence before the Court of Additional Sessions Judge, Sangrur, whereby, vide order dated 21.12.2023, he was directed to deposit 20% of the total amount of compensation awarded by the trial Court within 60 days from that order, i.e. 21.12.2023 and the order of suspension of his remaining sentence was made subject thereto.

[3] Learned counsel for the petitioner submits that the order dated 21.12.2023 has been passed without appreciating the exceptional circumstances put forth by the petitioner before the First Appellate Court and also without taking into consideration the exposition of law rendered by the Hon'ble Supreme Court in case "***Jamboo Bhandari*** ***Versus*** ***M.P. State Industrial Development Corporation Ltd. & Ors.***", reported as **2023 (4) RCR (Criminal) 296**.

[4] I have heard learned counsel for the petitioner and gone through the paper-book.

[5] Considering the exposition of law by the Hon'ble Supreme Court in case of ***Jamboo Bhandari (supra)***, in the humble opinion of this Court, the matter needs to be remitted back to the First Appellate Court with a request to hear and decide on the exceptional circumstances put forth by the petitioner as regards the non-filing of civil recovery proceedings at the instance of respondent-Bank and other submissions by appreciating those in terms of law laid down in ***Jamboo Bhandari (supra)***.

[6] The aforesaid exercise may be carried out within a period two months from today and till then, the condition of deposit of 20% of the total amount of compensation shall remain stayed.

[7] **Disposed off** accordingly.

[8] In the humble opinion of this Court, the present petition is disposed off without issuance of any notice to the respondent as it may further delay the cause of respondent besides putting it to unnecessarily litigation.

[9] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

March 14, 2024

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>