



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

CRM-M-11301-2020
Date of Decision : 31.07.2024

M/S SHYAM OVERSEAS AND OTHERSPetitioners

VERSUS

HARYANA AGRO INDUSTRIES CORPORATION LIMITED
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Arav Gupta, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate
for the respondent.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer is for quashing of the order dated 14.01.2020 (Annexure P-5), whereby, after suspending the sentence of the present petitioner, the learned appellate court concerned, directed the petitioner to deposit the 20 % of the compensation amount, as awarded by the learned trial court concerned, as this condition was made as a supplementary condition, with regard to the order dated 02.02.2018, *qua* which the sentence of the petitioner was suspended by the learned appellate court concerned.

2. It is a case where the petitioner was convicted by the learned trial court concerned vide order dated 05.01.2018 for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and vide order of sentence dated 05.01.2018, he was sentenced to undergo rigorous imprisonment for one year, and to pay compensation amount of Rs.2,00,00,000/-, and in default thereof, to further undergo rigorous imprisonment for three months.

3. Thereupon, fetching grievance from the judgment of verdict (*supra*), the petitioner filed a statutory appeal, which is pending consideration, and the learned appellate court concerned, after admission of the appeal, also pleased to suspend the sentence of the petitioner, so imposed by the learned trial court concerned, vide order dated 02.02.2018.

4. It transpires from the record there was no condition attached with the order granting suspension of sentence of the present petitioner. However, after the amendment brought into the Negotiable Instruments Act, 1881, the appellate court concerned, vide impugned order dated 14.01.2020, changed the conditions of order dated 02.02.2018, and supplement with the direction to deposit 20% of the compensation amount.

5. This Court is unable to comprehend that how the earlier suspension of sentence granted can be supplement with the subsequent conditions. Therefore, the condition as imposed upon the petitioner to deposit 20% of the compensation amount is hereby set aside. The learned

appellate court concerned, is directed to dispose of the appeal within a period of 6 months, from the date of receipt of a certified copy of this order.

6. **Disposed of** accordingly.

July 31, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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