

[127] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18157-2024
Date of Decision : 15.04.2024

Dharampal ...Petitioner
versus
Naresh KumarRespondent

Coram : **HON’BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Shiv Kumar Rana, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 23.08.2023 passed by the Court of learned Addl. Sessions Judge, Kaithal (Annexure P-4) whereby, the petitioner has been granted relief of suspension of sentence during the pendency of the appeal, subject to deposit of 20% of the compensation amount within 90 days in terms of Section 148 of the Negotiable Instrument Act, 1881.
2. Learned counsel for the petitioner submits that in terms of law laid down by Hon’ble the Apex Court in the case of ‘**Jamboo Bhandari** versus **M.P. State Industrial Development Corporation**’, 2023 (4) R.C.R. (Criminal) 296, the Appellate Court was required to assign reasons for granting interim compensation in terms of Section 148 of the Negotiable Instrument Act. The impugned order being totally bereft of such reasoning, the same cannot be sustainable. He however submits that the petitioner is ready to pay an amount of Rs.70,000/-, which shall be

3. Having heard learned counsel for the petitioner and after going through the record of the case, this Court finds that evidently in the impugned order, the Appellate Court has not assigned any reason for granting maximum amount of interim compensation in terms of Section 148 of the Negotiable Instrument Act and thus the same needs to be modified. The impugned order is ordered to be modified to the extent that the condition of deposit of 20% of the compensation amount within 90 days from the passing of the order shall stand modified as under:-

“The petitioner shall deposit an amount of Rs.70,000/- as interim compensation in terms of Section 148 of the Negotiable Instrument Act within a period of 04 weeks from today.”

4. With the aforesaid modification in the impugned order, the present petition is disposed of. The trial Court is further directed to finally decide the appeal preferably within 06 months.

5. Keeping in view the innocuous relief granted by this Court, this Court does not feel any necessity of summoning the respondent. However, in case, respondent feels aggrieved of this order, he shall be at liberty to move an appropriate application, seeking modification of the same.

6. Disposed of, accordingly.

(PANKAJ JAIN)
JUDGE

15.04.2024