

GURCHARAN SINGH

Versus

STATE OF PUNJAB AND ANOTHER

.....Petitioner

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raman Kumar, Advocate for the petitioner.
Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for setting aside the order dated 02.03.2024 passed by the Court of learned Addl. Sessions Judge, Ludhiana in CRA/232/2024 titled as ‘Gurcharan Singh Vs. Baljit Singh’ whereby sentence of the petitioner has been suspended subject to condition of deposit of 20% of amount of compensation awarded by the trial Court while convicting the petitioner.

2. Having faced the trial in the complaint bearing No.COMA/3525/2018 titled as ‘Baljit Singh Vs. Gurcharan Singh’, the petitioner was convicted/sentenced vide order dated 19.02.2024. The operative part of judgment is reproduced hereunder:-

“Accordingly, by invoking the provisions of Section 357 Cr.P.C, I hereby award compensation of Rs.3,00,000/- to the complainant to be paid by the convict. In default of this convict shall undergo an additional imprisonment of six months. The compensation shall be recoverable after the lapse of period of appeal unless the operation of compensation amount order is stayed in appeal by the Hon'ble Appellate Court, if any appeal is filed.”

3. Aggrieved thereof, the petitioner filed a criminal appeal bearing No.CRA/232/2024 along with an application seeking suspension of sentence wherein the Appellate Court vide order dated 02.03.2024 directed the

petitioner to deposit 20% of compensation amount within one month in terms of Section 148(1) of Negotiable Instruments Act, 1881 and the suspension of sentence was made subject to the aforementioned deposit.

4. Learned counsel for the petitioner while relying upon a decision rendered by the Hon’ble Apex Court in the case of “**Jamboo Bhandari Vs. MP State Industrial Development Corporation Ltd. and Others; 2023 INSC 822**” submits that the petitioner is suffering from multiple age related ailments and thus, is not in a position to deposit the amount as ordered by the First Appellate Court.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the appellant.

6. Apparently, no jurisdictional error can be found in the order passed by the First Appellate Court, however, considering the fact that the petitioner is suffering from age related ailments, order dated 02.03.2024 passed by the First Appellate Court is modified to an extent that petitioner shall deposit 10% of the compensation amount within a period of 15 days from today and as regards the remaining 10%, he would move an appropriate application before the First Appellate Court explaining the extra-ordinary circumstances being unable to deposit the same which shall be considered and decided upon hearing both the sides.

7. Keeping in view the aforesaid facts and circumstances as well as the exposition of law laid down in the case of **Jamboo Bhandari** (Supra), the present petition stands disposed of.

16.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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