

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19821-2023
DECIDED ON: 21.02.2024

SURJEET SINGH
.....PETITIONER

VERSUS

FAUJA SINGH
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ram Bhati, Advocate for
Mr. H.S. Jakhal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., seeking direction to the First Appellate Court to allow the petitioner to comply the conditional order dated 13.12.2022 (Annexure P-1).
2. Learned counsel for the petitioner submits that due to ailment of the father of the petitioner, who has suffered cardiac arrest, the petitioner could not deposit the 20 % amount of compensation within a period of 60 days, as is stipulated under the statute and was directed by the trial Court. A prayer was made at the time of filing of appeal before the Lower Appellate Court, but the same has been declined recording a reason to the effect that it is not empowered to extend the time stipulated under the Statute vide Section 148 of Negotiable Instruments Act. It is apparent on perusal of the petition that judgment of conviction is dated 15.11.2022 (Annexure P-2) and the petitioner has approached before the Lower Appellate Court well within time on 13.12.2022 (Annexure P-1), who was directed

under Section 357(3) Cr.P.C., to be released on bail subject to his depositing 20 % of the compensation amount within 60 days from the date of passing of the order.

3. Before this Court, the petitioner has also produced the medical history of his father annexed at Annexure P-8, which clearly makes it evident that the non-deposit of 20 % amount of compensation, as directed by the trial Court is neither intentional nor deliberate, but has taken place due to aforesaid peculiar circumstances, which were beyond his control, hence he deserves one chance to make good of the default, which has taken place under the circumstances as enunciated hereinabove.

4. Accordingly, the present petition is disposed off, with a direction to the petitioner to deposit the requisite amount of 20 % of the compensation before the Lower Appellate Court within a period of one week from receipt of certified copy of this order.

5. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

21.02.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>