

2024:PHHC:056312

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

133

CRM-M-20585-2024
Date of Decision : April 25, 2024

VEER SAIN ALIAS SINGH UPADHYAY

.....Petitioner

VERSUS

SUNIL

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S.Gill, Advocate
for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner seeks quashing of the order dated 16.1.2024 (Annexure P-3), whereby, the learned Additional Sessions Judge concerned has directed him to deposit 20% of the compensation amount by 19.3.2024, before the learned trial Court concerned.
2. The petitioner has been convicted by the learned trial Court concerned vide order dated 19.12.2023 and vide order of even date, he was sentenced to undergo imprisonment for a period of one year and to pay Rs.25,00,000/- as compensation under Section 357(3) Cr.P.C.
3. The verdict of conviction and order of sentence (supra) caused grievance to the petitioner and triggered him to institute a statutory appeal thereagainst, before the learned appellate court concerned, which is pending consideration. However, the learned appellate court concerned has, through the impugned order (Annexure P-3), directed him to deposit 20% of the compensation amount by

19.3.2024 therefrom, before the learned trial Court concerned. Feeling aggrieved by the impugned order (Annexure P-3), the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in his assailing the impugned order (Annexure P-3), submits that the case of the petitioner falls within the “exceptional category”, inasmuch as, he does not have any means to make payment of even 20% of the compensation amount, as awarded to him by the learned trial Court concerned.

5. To buttress his submission, the learned counsel for the petitioner has placed reliance upon the judgment rendered by the Hon’ble Supreme Court in ***“Jamboo Bhandari V/s M.P. State Industrial Development Corporation Ltd. & Ors.”***, 2023(3) Law Herald (SC) 2433.

6. On a specific query being posed by this Court, vis-a-vis, *“whether the petitioner has, or, has not, since 2023 till date, made an application before the learned appellate court concerned, thereby bringing the aforesaid facts on record”*, the learned counsel for the petitioner returned an answer in negative.

7. In such circumstances, this Court, at this stage, refrains from making any interference in the matter, and, deems it appropriate to relegate the petitioner to the learned appellate court concerned, by making an appropriate motion. In case, the petitioner falls within the “exceptional category”, as per the law laid down by the Hon’ble Supreme Court in this regard, thereupon the learned appellate court concerned

shall make a decision on the application, if any preferred by the petitioner, as per law.

8. **Disposed** of accordingly.

April 25, 2024
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(KULDEEP TIWARI)
JUDGE

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