

GURNANDAN SINGH @ RAJA SINGH

.....Petitioner

Versus

SATYA BHUSHAN

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sukhveer S. Killianwali, Advocate for the petitioner.
Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of the order dated 07.02.2024 passed by learned Addl. Sessions Judge, Sirsa in appeal No.CRA-47-2024 in NACT/363/2018 titled as '*Satya Bhushan Vs. Gurnanadan Singh alias Raja 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. NACT/363/2018 titled as '*Satya Bhushan Vs. Gurnanadan Singh alias Raja Singh*', the petitioner was convicted and sentenced vide order dated 09.01.2024/10.01.2024.

3. Aggrieved thereof, the petitioner filed a criminal appeal bearing No. CRA-47-2024 along with an application seeking suspension of sentence wherein the Appellate Court vide order dated 07.02.2024 directed the petitioner to deposit 20% of compensation amount within two months in terms of Section 148 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 not in a position to deposit the amount as ordered by the First Appellate Court.

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

6. Apparently, no jurisdictional error can be found in the order passed by the First Appellate Court, however, order dated 07.02.2024 passed by the First Appellate Court is modified to an extent that petitioner shall deposit Rs.25,000/- of the compensation amount within a period of 15 days from today and as regards the remaining amount, he would move an appropriate application before the First Appellate Court explaining the extraordinary 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.

01.05.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

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