

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

CRM-M-23169-2020 (O&M)
Date of Decision :27.05.2024

VINOD KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rakesh Sobti, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Kulwinder Kaur, Advocate for
Mr. Yashdev Kaushik, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner seeks quashing of the impugned orders dated 23.03.2020 and 30.07.2020 (Annexure P-5 and P-6 respectively), whereby, the learned Additional Sessions Judge concerned, while suspending his sentence, has directed him to deposit 25% of the compensation amount, within 60 days therefrom, failing which his suspension of sentence shall automatically stand cancelled.

2. The petitioner has been convicted by the learned trial Court concerned, vide order dated 20.02.2020 and vide order dated 25.02.2020, he was sentenced to undergo rigorous imprisonment for a period of one years. Further the petitioner, was was directed to pay compensation of Rs.13,50,000/- to the complainant.

3. The verdict of conviction, and order of sentence (*supra*), has caused grievance to the petitioner, and has 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 (*supra*), directed him to deposit 25% of the fine, or compensation amount, within 60 days therefrom. Feeling aggrieved by the impugned order (*supra*), the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in his assailing the impugned order (*supra*), submits that the case of the petitioner falls in “exceptional category”, inasmuch as, he does not have any means to make payment of even 25% of the compensation amount as imposed upon him by the Courts 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 2019 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 the answer in negative.

7. In such circumstances, this Court, at this stage, refrains from making any interference in the matter, and, deems it fit and appropriate to

relegate the petitioner to the learned appellate court concerned, by making an appropriate motion. In case, the petitioner falls within “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.

May 27, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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