



320 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.25970 of 2024 (O&M)
Date of Decision: 09.08.2024

Rahis ...Petitioner
Versus
Jaituni ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinay Kumar Pandey, Advocate
for the petitioner.

Mr. Imtiyaz Hussain, Advocate
for the respondent.

ANOOP CHITKARA, J.

Complaint No. NACT 43 of 2023, under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881

1. Seeking quashing of order dated 05.04.2024 passed by JMIC, Nuh in complaint captioned above, the petitioner has come up before this Court under Section 482, Cr.P.C.
2. On 18.07.2024, this Court had passed the following order which reads as under:

*“ Notice to the respondent, only confined to the fact that if the petitioner deposits 20% of the cheque amount as directed by trial Court, the same shall be deposited in the shape of Fixed Deposit in the name of Chief Judicial Magistrate with automatic renewal and its disbursement shall depend upon the final outcome of the trial Court proceedings, returnable for 09.08.2024.
Given the statement made by the counsel undertaking to deposit of aforesaid 20% amount, the trial Court shall not take coercive steps against the petitioner.
This order shall come into force from the date when the petitioner files process fee.”*
3. Counsel for the petitioner submits that the order was not uploaded due to which he could not communicate the same to his client. He further submits that he be allowed to make Fixed Deposit in the name of the petitioner and he undertakes not to reclaim it having lost or stolen and he undertakes to transfer the proceed in favour of the complainant as per terms of final orders passed by the trial Court.



4. Given above, let the petitioner deposit 20% of the cheque amount as directed by the trial Court in the shape of Fixed Deposit, in his name with automatic renewal linked to his saving account and the interest accrued thereon be credited to the petitioner's account with the rider that the petitioner shall not withdraw the said FDR by any means and the bank shall make an endorsement on the same that Court has lien over the same and FDR would not be encashed without Court's permission. Petitioner shall hand over FDR by 23.08.2024 in the trial Court and furnish a photocopy of the same to the complainant.

6. Petition is disposed of in aforesaid terms. Pending applications, if any, also stand disposed of.

(ANOOP CHITKARA)
JUDGE

09.08.2024

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No.