



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

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CRM-M-26239-2024

Date of Decision : **May 23, 2024**

BARNALA KHADI GRAM UDYOG SOCIETY

.....Petitioner

VERSUS

KHADI INDIA EMPORIUM

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Bhupinder Ghai, Advocate
for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner seeks quashing of the order dated 7.2.2024 (Annexure P-1), whereby, the learned trial Court concerned has directed her to deposit 20% of the compensation amount by 3.4.2024, before the learned trial Court concerned.

2. The petitioner has been convicted by the learned trial Court concerned vide judgment dated 23.1.2024 and vide order of sentence dated 25.1.2024, she was sentenced to undergo imprisonment for a period of one year and to pay Rs.40,00,000/- 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 her 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-1), directed her to deposit 20% of the compensation amount by 3.4.2024 therefrom, before the learned trial Court concerned. Feeling aggrieved by the impugned order (Annexure P-1), the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in his assailing the



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impugned order (Annexure P-1), submits that the case of the petitioner falls within the “exceptional category”, inasmuch as, she does not have any means to make payment of even 20% of the compensation amount, as awarded to her 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 2024 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 fit and 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.

(KULDEEP TIWARI)
JUDGE

May 23, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No