



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

**CRM-M-27494-2024**

Date of Decision : **29.05.2024**

**M/S JAI HANUMAN RICE AND GENERAL MILLS**

.....Petitioner

***VERSUS***

**SUMITA JAIN**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Vishal Malik, Advocate,  
for the petitioner.

**KULDEEP TIWARI, J.(Oral)**

1. Through the instant petition, the petitioner seeks quashing of the impugned order dated 16.04.2024, whereby, the learned Additional Sessions Judge concerned, while suspending his sentence, has directed him to deposit 20% of the compensation amount, within 45 days, i.e. till 01.06.2024 (the next date of hearing before that court).

2. The petitioner has been convicted by the learned trial Court concerned, vide order dated 18.03.2024 and vide order dated 21.03.2024, he was sentenced to undergo simple imprisonment for a period of one year and to pay compensation of Rs.55 lakhs, 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 20% of the fine or compensation amount, within 45 days i.e. till 01.06.2024 . 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 20% 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 positive and drew attention of this Court towards application (Annexure P-4) in which the petitioner has sought the relief of suspension of sentence, without imposing any condition while referring to his financial conditions. However, he further submits that the appellate court concerned has not even considered any of the grounds raised in the application.

7. This Court has examined the said application (Annexure P-4), and the impunged order (*supra*), and is of the view that the learned appellate court concerned, has failed to examine the ground which are mentioned in the application, therefore, it requires interference of this Court.

8. This Court without issuing notice to the respondent/complainant, as no adversarial order is being passed against him, the impugned order dated 16.04.2024 (*supra*), is hereby **quashed**, and directs the appellate court concerned, to decide the application (Annexure P-4) of the petitioner seeking suspension of sentence afresh, in view of the grounds taken therein, as well as considering the dictum as laid down by the Hon'ble Supreme Court in *Jamboo Bhandari* (*supra*).

9. **Disposed of** accordingly.

May 29, 2024  
*dharamvir*

(KULDEEP TIWARI)  
JUDGE

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