



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CRM-M-29005-2024
Date of Decision : 03.06.2024

MS SAHEED MAHABIR SINGH FILLING STATION AND ANR

... PETITIONERS

Versus

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Vijay Pal, Advocate
for the petitioners.

Ms. Mamta Singla Talwar, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Section 482 Cr.P.C. are seeking setting aside of order dated 05.12.2023 (Annexure P-1) passed in CRA-471-2023 whereby learned Additional Sessions Judge, Sirsa has directed the petitioner to deposit 20% amount of compensation awarded by trial Court.
2. Learned Judicial Magistrate Ist Class, vide judgment dated 06.11.2023, on a complaint filed by Smt. Javitri, held the petitioner guilty of commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881. The petitioner was awarded sentence of one year. He was further subjected to fine of Rs.15 lakhs i.e. 200% of cheque amount. He preferred an appeal before the Appellate Court and the matter came up for consideration before learned Additional Sessions Judge, Sirsa who vide order dated 05.12.2023 followed by orders dated



05.02.2024 and 05.03.2024 directed the petitioner to deposit 20% of compensation amount.

3. Mr.Vijay Pal, Advocate submits that learned Additional Sessions Judge without considering the judgment of Supreme Court in Jamboo Bhandari vs. Madhya Pradesh State Industrial Development Corporation Limited and others, (2023) 10 SCC 446 has directed the petitioner to deposit 20% of compensation awarded by trial Court. As per said judgment, learned Additional Sessions Judge was required to consider facts and circumstances of the case and pass a reasoned order.

4. Notice of motion at this stage to learned State Counsel.

5. Ms. Mamta Singla Talwar, DAG, Haryana, accepts notice on behalf of respondent No. 1-State.

6. Notice to respondent No.2 would delay the proceedings and it would rather not be in his interest if matter is delayed, thus, considering the mandate of judgment of Supreme Court in Jamboo Bhandari’s case (supra), this Court finds it appropriate to direct the Additional Sessions Judge, Sirsa to pass a fresh order with respect to condition of deposit of 20% of compensation amount in view of afore-noted judgment of Supreme Court.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.06.2024
anju

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No