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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

164

CRM-M-29016-2024
Date of decision: 31.05.2024

RAVINDER KUMAR

....Petitioner

Versus

LACHMAN DASS

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

KULDEEP TIWARI. J.(Oral)

1. Through the instant revision petition, the petitioner assails the order dated 18.03.2024, whereby, the learned Additional Sessions Judge concerned, although has ordered his release on bail and suspended his sentence, however, the said concession was extended subject to him depositing 20% of the compensation amount, within 60 days therefrom, before the learned trial Court concerned.
2. As a matter of fact, the learned trial Court concerned has, through drawing the verdict of conviction dated 16.02.2024, and order of sentence dated 21.02.2024, convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), and, sentenced him to undergo R.I. for a period of one year and to pay compensation to the tune of cheque amount, i.e. Rs.3,35,000/-, to the complainant.
3. The verdict of conviction and order of sentence (supra) caused pain to the petitioner and triggered him to institute a statutory appeal thereagainst before



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the learned appellate court concerned, which is pending consideration. However, the learned appellate court concerned has, through the impugned order dated 18.03.2024, although ordered release of the petitioner on bail and suspended his sentence, however, the said concession was extended subject to him depositing 20% of the compensation amount, within 60 days therefrom, before the learned trial Court concerned. Feeling aggrieved by the impugned order dated 18.03.2024, the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in his assailing the impugned order dated 18.03.2024, 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 awarded compensation amount.

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, made an application before the learned appellate court concerned till date, 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 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.

31.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No