

**CRR-1292-2024 (O&M)****1**

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

110**CRR-1292-2024 (O&M)****Date of Decision : July 12, 2024****RAHUL****-PETITIONER****V/S****NIKITA****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ajay Ghangas, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)**CRM-27453-2024**

1. Considering the valid and good reasons, as assigned in the application, for condoning the delay of 24 days, therefore, the application is **allowed.**

2. Delay of 24 days in filing the revision petition is condoned.

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3. Through the instant petition, the petitioner assails the order dated 13.03.2024, whereby, the learned Additional Sessions Judge concerned has directed him to deposit 20% of the cheque amount in the court.

4. As a matter of fact, the learned trial Court concerned has, through drawing the verdict of conviction and order of sentence dated 20.09.2023, upon case bearing No. COMA-478-2017, convicted the petitioner for commission of offence punishable under Section 138/142 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), and, sentenced him to undergo simple imprisonment for a period of



one year and to return the cheque amount of ₹ 4,00,000/- to the complainant.

5. The verdict of conviction and order of sentence (supra) caused pain to the petitioner and 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 dated 13.03.2024, directed the petitioner to deposit 20% of the cheque amount in the court. Feeling aggrieved by this impugned order, the petitioner has now approached this Court, through the instant petition.

6. The learned counsel for the petitioner, in his assailing the impugned order dated 13.03.2024, 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 cheque amount.

7. To buttress his submission, the learned counsel for the petitioner(s) 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.

8. 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.

9. In such circumstances, this Court, at this stage, refrains from making any interference in the matter and deems it appropriate to relegate

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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(s), as per law.

10. Disposed of accordingly.

July 12, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No