

2024:PHHC:137217



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-35956-2024 in/and
CRM-M-34386-2024 (O&M)
Date of Decision:-21.10.2024

Pawan Kumar ... Petitioner

Versus

Chiman Lal Jindal ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Dandiwal, Advocate,
for the applicant-petitioner.

GURVINDER SINGH GILL, J.(Oral)

CRM-35956-2024

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 10.12.2024 and is taken on Board today itself.

CRM-M-34386-2024

1. The challenge herein is to order dated 16.04.2024 passed by learned Additional Sessions Judge, Sri Muktsar Sahib whereby the appellate Court while suspending the sentence of the petitioner in respect of offence punishable under Section 138 of Negotiable Instruments Act has directed the petitioner to deposit an amount of Rs.89,400/- i.e. 20% of the compensation amount within a period of 60 days.



CRM-M-34386-2024 (O&M) (2)

- 2. Learned counsel for the petitioner however, submits that the appeal is now fixed before the lower Appellate Court for 28.11.2024 and that the petitioner as well as petitioner’s counsel before the lower Appellate Court shall argue the matter on the next date of hearing and that the petitioner shall not seek any adjournment.
- 3. In view of the aforestated position, the instant petition is disposed of with a direction the petitioner to ensure that the appeal is finally argued on his behalf on the next date of hearing i.e. 28.11.2024.
- 4. The lower appellate Court is directed to hear the arguments on the next date of hearing and to dispose of the appeal finally within 15 days after the arguments are heard. If for any compelling reasons the lower appellate Court is unable to hear the final arguments on the next date i.e. 28.11.2024, then short date be fixed to hear the arguments. It is further directed that the condition regarding deposit of amount equivalent to 20% as engrafted in the impugned order be not implemented till 28.11.2024. However, in case the appeal is not argued on the next date i.e. 28.11.2024 or on the next date thereafter, if any is fixed by the lower appellate Court, it shall be open to the lower appellate Court to proceed further in accordance with law so as to get the impugned order implemented/complied with.
- 5. The instant petition is disposed of accordingly.

21.10.2024
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(GURVINDER SINGH GILL)
JUDGE

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