



CRM-M-34616-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34616-2024

Date of Decision : 22.07.2024

Gagan Deep

.....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

KIRTI SINGH, J.(Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C., is for quashing of order dated 14.12.2022 (Annexure P-2) passed in CRA/2002 in a criminal complaint No. 1999 of 2016 dated 07.12.2016 titled as *Vikas Gupta vs. Gagandeep* in Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner *inter alia* submits that while suspending the sentence, vide order dated 14.12.2022, learned Additional Sessions Judge, Jagadhri, had directed the appellant to deposit 20% of the compensation amount within one month before the trial Court. Learned counsel further submits that the petitioner is not in a capacity to deposit 20% of the compensation amount and that the appellate Court would not insist for deposit of 20% amount of compensation. He has placed reliance upon judgment passed by Hon'ble Supreme Court in a Criminal Appeal No. 741 of 2024 titled as ***Rakesh Ranjan Shrivastava vs. State of Jharkhand***, wherein the following has been observed:

“However, in a case where the appellate court is satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of appeal of the



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appellant, exception can be made for the reasons specifically recorded”

3. Learned counsel for the petitioner has also placed reliance upon judgment passed by this Court in CRM-M-28115-2024 titled as ***M/s Moontech Power System and another vs. M/s Sukam Power Systems Limited and another***, decided on 30.05.2024.

4. Notice of motion to the official respondent only.

5. Mr. Anmol Malik, DAG Haryana, who is present in Court, accepts notice for the official respondent. Counsel for the petitioner is directed to supply a copy of complete paper book to the counsel appearing for the State during the course of the day.

6. After a thoughtful consideration to the submissions made by learned counsel for the petitioner, the interest of justice would suffice if the appeal pending before the appellate Court is taken on the priority. This Court requests the learned Appellate Court to decide the appeal on top priority preferably by 16.09.2024. Till then, appellate Court would not insist for deposit of 20% amount of compensation.

7. The petition is partly allowed with the aforesaid observations. It is clarified that the Appellate Court shall proceed to decide the appeal notwithstanding to the fact that 20% of the compensation amount is not deposited by the appellant till 16.09.2024. However, in case, the appellant seeks any adjournment, then it shall be open for the appellate Court to appoint a legal aid counsel on his behalf and proceed to hear the appeal on merits.

22.07.2024

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(KIRTI SINGH)
JUDGE