

**CRR-1440-2024 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****120****CRR-1440-2024 (O&M)****Date of Decision : August 05, 2024****SURESH CHAND YADAV****-PETITIONER****V/S****GURMINDER SINGH****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Devender Arya, Advocate  
for the petitioner.

**\*\*\*****KULDEEP TIWARI, J. (ORAL)****CRM-30941-2024**

1. Considering the valid and good reasons, as assigned in the application, for condoning the delay of 149 days, therefore, the application is **allowed.**

2. Delay of 149 days in filing the revision petition is condoned.

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3. Through the instant revision petition, the petitioner assails the order dated 06.11.2023, whereby, the learned Additional Sessions Judge concerned has directed him to deposit 20% of the compensation awarded by the learned trial court concerned, within six days therefrom.

4. As a matter of fact, the learned trial Court concerned has, through drawing the verdict of conviction and order of sentence dated 09.10.2023, upon Criminal Comp. No. RBT-240 of 21.12.2017/16.04.2021, convicted the petitioner for commission of offence punishable under

Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to

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as the 'N.I. Act'), and, sentenced him to undergo rigorous imprisonment for 06 months. Moreover, a sum of ₹ 15,00,000/- has also been awarded to the complainant as compensation to be paid by the petitioner.

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 06.11.2023, suspended the sentence awarded to the petitioner and also directed him to deposit 20% of the compensation amount (supra). 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 06.11.2023, 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 compensation 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



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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(s), as per law.

10. Disposed of accordingly.

**August 05, 2024**  
**devinder**

**(KULDEEP TIWARI)**  
**JUDGE**

|                                  |          |               |
|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |