



204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1741-2024
Date of Decision: 16.12.2024

KALA CHAND CHOPRA ... PETITIONER
VS.
VIVEK DAHIYA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anosh Samson, Advocate
for the petitioner.

Mr. S.K.Verma, Advocate
for the respondent.

ANOOP CHITKARA , J.(ORAL)

Aggrieved by the condition of deposit of 20% of compensation amount while suspending sentence vide order dated 16.04.2024 passed by the Sessions Court, the convict has come up before this Court by filing the present criminal revision petition.

2. I have heard counsel for the parties and gone through the relevant record and its analysis would lead to following outcome.
3. The cheque in question was presented in the bank which was returned vide memo dated 08.11.2017 due to insufficient funds whereas the amendment in the Negotiable Instruments Act vide which Section 143-A and 148 of the NI Act were inserted, had come into force from 01.09.2018. Amendment was made purposely and the same was not retrospective but prospective.
4. Section 148 of the NI Act invoked by the appellate Court while suspending sentence in the case in hand is not correct as amendment was prospective and not applicable in this case. Only on this ground alone, the present petition deserve to be allowed. Consequently, the order directing to deposit 20% of the cheque amount is quashed and set aside. However, the trial Court is directed to expedite the hearing of the appeal and make efforts to decide the same by 31.03.2025. The parties are directed not to seek any adjournments. Pending applications, if any, also stand disposed of.

16.12.2024 (ANOOP CHITKARA)
smriti JUDGE