

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 42264 of 2023 (O&M)
Date of Decision: 27.02.2024

Devender Kumar

..... Petitioner

Versus

Union Bank of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

None for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition under Section 482 Cr.P.C., seeks quashing of order dated 28.04.2023 (Annexure P-3) passed by the learned Additional Sessions Judge, Panipat, whereby a condition was imposed upon the petitioner for deposit of 20% of the compensation amount within 60 days from that order in case No. CRA-157-2023, titled “*Devender Kumar Versus Union Bank of India*”.

[2] This Court, while issuing notice of motion vide order dated 09.10.2023, passed the following order:-

“ Learned counsel for the petitioner has relied upon the judgment of the Hon’ble Supreme Court passed in **Criminal Appeal No.2741 of 2023** titled as “**Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd. And others**”, decided on 04.09.2023, to contend that when the Appellate Court has granted the concession of suspension of

sentence and directing the appellant to furnish the bail bonds then at that point of time when an order is passed under Section 148 of the Negotiable Instruments Act, then it has also to be seen as to whether there is any reason for making out an exceptional case for not depositing 20% of the amount. Notice of motion for 07.02.2024.

In the meantime, the operation of the impugned order dated 28.04.2023 by which the petitioner has been asked to deposit of 20% of the amount shall remain stayed. ”

[3] Learned counsel for the petitioner, on instructions, submits that the petitioner is ready to deposit 10% of the compensation amount within a period of six weeks from today and as regards the remaining 10% amount, he would submit a fresh application before the First Appellate Court, giving details of the exceptional circumstances while praying for exemption from deposit in terms of decision rendered by the Hon’ble Supreme Court in case **“Jamboo Bhandari Versus M.P. State Industrial Development Corporation Ltd. & Ors.”**, reported as **2023 (4) RCR (Criminal) 296**.

[4] Despite service, no one has chosen to appear on behalf of the respondent-Union Bank of India.

[5] I have heard learned counsel for the petitioner.

[6] Considering the exposition of law by the Hon’ble Supreme Court in case of **Jamboo Bhandari (supra)** as well as the stand taken by the learned counsel for petitioner, in the facts and circumstances of present case, the order dated 28.04.2023 (P-3) passed by learned Additional Sessions Judge, Panipat, is modified to the extent that the petitioner shall deposit 10%

of the compensation amount within a period of six weeks from today, while against the remaining 10% amount, he would move an appropriate application before the First Appellate Court, which shall be considered and decided by taking into consideration the decision passed in case of ***Jamboo Bhandari (supra)***.

[7] **Disposed off** accordingly.

February 27, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>