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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.41440 of 2024(O&M)

Date of Decision: 29.08.2024

Atul Kumar Goel and Another

... Petitioners

Versus

M/s. Surinder Kumar Krishan Chand

...Respondent

CORAM: **HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Fateh Saini, Advocate for the petitioners.

ANOOP CHITKARA, J.

Criminal Complaint	No. 329 of 2016, under Section 138 of the Negotiable Instruments Act.
Criminal Appeal No.	CRA/396/2023 CNR No. HRKU01-008996-2023

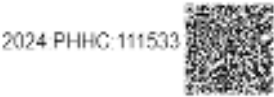
Seeking setting aside of impugned order dated 07.08.2024 passed by the appellate Court, Kurukshetra in criminal appeal cited above whereby application for waiving of 20% of amount in compliance of latest judgment of Hon’ble Supreme Court has been dismissed and also seeking stay of impugned order dated 07.08.2024, the petitioners have come up before this Court under Section 482 Cr.P.C.

2. The petitioner is aggrieved by order dated 22.12.2023 vide which the sentence of Director of the Company was suspended subject to deposit of 20% of the compensation amount by the said Director, under Section 148 of NIA, 1881.

3. The petitioner’s counsel has drawn attention of this Court to a judgment of Bombay High Court in case titled as “Lyka Labs Limited Vs. State of Maharashtra”, 2023(1) Crimes 523 wherein it has been held that when a cheque was issued by a Company then Director of the said Company cannot be asked to deposit 20% of the cheque.

4. Be that as it may, instead of going into the said controversy, the ends of justice would meet if the concerned Sessions Judge is requested to take up the appeal itself for final hearing on priority basis and decide the same on or before 30.09.2024 and till that time, directions to deposit 20% of compensation amount against the petitioner shall remain **stayed** subject to condition that the petitioner would not seek any adjournment.

In case the petitioner seeks an adjournment then this order regarding stay on deposit of



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20% of compensation amount shall stand recalled automatically without any reference to this Court. In case the petitioner seeks adjournment, then the Court concerned to proceed further in the matter by appointing a legal aid counsel on behalf of the petitioner. Further also, in case complainant-respondent seeks adjournment before the Court concerned then the time for which the matter is adjourned on request of the complainant should be extended beyond 30.09.2024.

5. Given above, the present petition is disposed of, with liberty reserved to the petitioner to come to this Court again if need so arises. The Registry as well as the counsel for the petitioner to supply a copy of this order to the concerned Court. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.08.2024

Sonia Puri
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No.