

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:125584



CRM-M-47234-2024
Date of Decision: 23.09.2024

BASANT SINGH

...Petitioner

Vs.

M/S SATPAL BANSAL

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. Seeking quashing of impugned order dated 31.07.2024 (Annexure P-4) passed by the court of Ld. Addl. Sessions Judge, Ludhiana in CRA No. 651 of 2024 dated 30.07.2024 (Registered on 31.07.2024) titled as "Basant Singh versus M/S Satpal Bansal" (Annexure P-2). whereby after admitting the appeal and while allowing the application under section 389 Cr.P.C (Annexure P-3) filed by the petitioner for suspension of sentence awarded by the Ld. JMIC, Jagraon vide Judgment dated 20.07.2024 (Annexure P- 1), he is directed to deposit the 20% of the amount of the compensation imposed by the learned trial court under Section 357(3) Cr.P.C within 60 days, in cash or by way of demand draft, in the learned Trial Court.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable



Instruments Act, who shall adjudicate afresh by passing in the light of ***Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.***", decided on 04.09.2023.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

(SANDEEP MOUDGIL)
JUDGE

23.09.2024

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*