



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56022-2024

Date of decision: 11.11.2024

Sandeep Kaur

.... Petitioner

Versus

Davinder Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Neeraj Jain, Advocate, for the petitioner.

GURBIR SINGH, J.

1. Prayer in this petition filed under Section 482 of Cr.P.C./528 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing the order dated 11.10.2024 (Annexure P-1) passed by learned Additional Sessions Judge, Sri Muktsar Sahib, in Criminal Appeal bearing No.55 of 2024 titled as *Sandeep Kaur Versus Davinder Singh*, whereby the order dated 13.03.2024 granting suspension of sentence to the petitioner, has been cancelled.

2. Vide judgment dated 14.02.2024, learned Sub-Divisional Judicial Magistrate, in a complaint case bearing No.NACT-767/2018, convicted the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short, NI Act) and sentenced him to undergo a simple imprisonment for a period of 2 years was directed to pay the compensation amount of Rs.29,53,000/-. Aggrieved, the petitioner filed appeal and in

appeal, though the application seeking suspension of sentence of the petitioner was allowed vide order dated 13.03.2024, but subject to deposit of 20% of the total amount of compensation within 60 days. Since the petitioner could not deposit the said amount within the stipulated period, her order of suspension of sentence was vacated.

3. Learned counsel appearing on behalf of the petitioner has argued that the appellate Court has given no reason for imposing 20% of the compensation amount as contemplated under Section 148 of the NI Act. Reliance is placed on judgment in ***Jamboo Bhandari Versus M.P. State Industrial Development Corporation Limited and others, Law Finder Doc Id # 2313888***.

4. I have heard the submissions of learned counsel for the petitioner.

5. In case ***Jamboo Bhandari (supra)***, the court is required to give reasons for imposing penalty of 20%. In case ***Rakesh Ranjan Shrivastava Versus The State of Jharkhand and another, Criminal Appeal No.741 of 2024, decided on 15.03.2024***, it has been held that 20% of the amount is the ceiling as prescribed under the provisions and the Court is required to give reasons for awarding maximum compensation.

5.1 In the case in hand, the appellate Court has not given any reason for awarding maximum compensation to the extent of 20%. Since the impugned order is non-speaking, so the same is not sustainable in the eyes of law.

5.2 On asking, learned counsel for the petitioner submits that the petitioner is ready to pay 7.5% of the amount of compensation and some time be granted.

6. Keeping in view the above, if notice of this petition is given to the respondent-complainant, it may burden him, so service upon the respondents-complainant is hereby dispensed with.

7. In the light of above observation, the impugned order dated 11.10.2024 (Annexure P-1) passed by learned Additional Sessions Judge, Sri Muktsar Sahib, in Criminal Appeal bearing No.55 of 2024 is modified to the extent that the petitioner shall pay 7.5% of the amount of compensation within a period of 21 days from today, and shall also furnish bail bonds, as directed by the lower Appellate Court vide order dated 13.03.2024. In case of doing so, her sentence shall remain suspended to the satisfaction of learned lower Appellate Court.

8. Present petition stands disposed of accordingly.

9. In case, respondent-complainant is not satisfied with this order, he can move an application within 30 days before the next date fixed before the appellate Court for challenging this order.

(GURBIR SINGH)
JUDGE

November 11, 2024
sanjeev

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