



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56258-2024

Date of Order: 19.12.2024

Mahaveer

... Petitioner(s)

Versus

State of Haryana & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. H.S. Jugait, Advocate and
Mr. Harmanpreet Singh Mavi, Advocate
for the petitioner(s).

Mr. Aashish Bishnoi, DAG, Haryana.

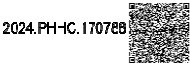
Mr. Jaswinder Singh, Advocate
for respondent no.2-complainant.

ANOOP CHITKARA, J.

Seeking partial quashing of order dated 25.6.2024 passed by Additional Sessions Judge, Palwal, whereby though the application for suspension of sentence filed by the petitioner-accused was allowed but his request to waive off the condition to deposit 20% of the cheque amount, was dismissed, he has come up before this Court under Section 482 CrPC.

2. Admittedly, the petitioner was convicted by the trial Court but the Appellate Court while admitting his appeal, suspended his sentence and stayed the impugned order directing deposit of Rs.8,00,000/-, subject to the condition that the petitioner shall deposit 20% of the total amount of compensation. Thus, he is aggrieved by said condition to deposit 20% of the compensation amount on account of his financial incapability.

3. On a query raised from this Court that how much money the petitioner-convict will be able to deposit, counsel for the petitioner-accused submits that due to continuous heart ailments of the petitioner, he is not capable of depositing the 20% amount and he can only deposit an amount of Rs.40,000/- within 2 weeks.



4. On the other hand, counsel for the respondent-complainant submits that there is statutory mandate and this Court cannot reduce the amount to be deposited.
5. In the facts and circumstances of the present case, a pragmatic view has to be taken. If his sentence is not suspended simply because of his financial incapacity to deposit the amount ordered, it would violate Article 21 of the Constitution of India.
6. Given above, the present petition is allowed and the amount to be deposited is reduced to Rs.40,000/- by 10.01.2025. However, it is clarified that in case the said amount is not deposited by 10.01.2025, this order shall automatically stand recalled under Section 403 BNSS, 2023. All pending applications, if any, stand disposed.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

(ANOOP CHITKARA)
JUDGE

December 19, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No