



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

CRM-M-57120-2024

Date of decision: 22.11.2024

Sandeep Kaur

...Petitioner

Versus

Davinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

KARAMJIT SINGH, J. (ORAL)

1. Prayer in this petition filed under Section 482 of Cr.P.C./528 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of orders dated 13.03.2024 (Annexure P-2) and 11.10.2024 (Annexure P-1) passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib, in Criminal Appeal bearing No.54 of 2024 titled as Sandeep Kaur Versus Davinder Singh.
2. Vide judgment dated 14.02.2024, Sub-Divisional Judicial Magistrate, in a complaint case bearing No.NACT-03/2019, convicted and sentenced the petitioner to undergo a simple imprisonment for a period of 1 year and to pay compensation of Rs.3,63,000/- under Section 138 of the Negotiable Instruments Act, 1881 (for short, NI Act). Aggrieved, the petitioner filed an appeal and in appeal, the application seeking suspension of sentence of the petitioner was allowed vide order dated 13.03.2024 (Annexure P-2), but subject to deposit of 20% of the total amount of compensation within the stipulated period, failing which the order of



suspension of sentence shall automatically stands vacated. On the date fixed in the appeal i.e. 11.10.2024, the petitioner failed to appear and resultantly, order dated 13.03.2024 Annexure P-2 whereby the sentence of the petitioner was suspended, was cancelled by the appellate Court vide order Annexure P-1.

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 maximum as prescribed under the provisions and the Court is required to give reasons for awarding maximum compensation.

6 In the case in hand, the appellate Court has not given any reason for awarding maximum compensation to the extent of 20%. The impugned order being non-speaking, is not tenable under law.

7 On asking, learned counsel for the petitioner submits that the petitioner is ready to pay 7.5% of the amount of compensation and prays for time to deposit the said amount.

8. In the light of above observation, the impugned order dated 11.10.2024 (Annexure P-1) is set aside while impugned order Annexure P-2 dated 13.03.2024 passed by Additional Sessions Judge, Sri Muktsar Sahib, in Criminal Appeal bearing No.54 of 2024, is modified to the extent that the petitioner shall pay/deposit 7.5% of the amount of compensation within a period of 20 days from today, and shall also furnish bail bonds, as directed by the Appellate Court vide order dated 13.03.2024 (Annexure P-2). In case of doing so, the sentence of the petitioner shall remain suspended to the satisfaction of the learned Appellate Court.

9. Present petition stands disposed of accordingly.

10. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent/complainant. However, if he feels dissatisfied with this order, he may move an application to recall the same.

22.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**