

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRR No.2879 of 2023
Date of Decision: 12.02.2024

GURDEEP KAUR

.....Petitioner(s)

Vs

JASWINDER SINGH

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

[1]. By way of present revision petition, challenge has been laid to the order dated 08.11.2023 passed by the Addl. Sessions Judge, Fazilka in CRA No.447 of 2023, whereby the sentence awarded by the Trial Court was ordered to remain suspended on deposit of 20% of the compensation amount within a period of 60 days.

[2]. On 16.12.2023, following order was passed by this Court:-

“Learned counsel for the petitioner has relied upon the judgment of Hon’ble Supreme Court in Jamboo Bhandari versus M.P. State Industrial Development Corporation Limited and others, 2023 (4) RCR (Criminal) 296 to contend that it was incumbent upon the learned Appellate Court to have considered the exceptional circumstance and to record reasons in this regard since deposit of 20% of compensation amount is not an absolute rule. He further submitted that the petitioner is a lady of the age of 60 years and the case falls under the exceptions.

Notice of motion for 12.02.2024.

Dasti as well.

Till the next date of hearing only, the condition of deposit of 20% of compensation amount shall remain stayed.”

[3]. As per office report, notice issued to respondent has been received back unserved as respondent has expired.

[4]. Learned counsel for the petitioner submits that the respondent/complainant is being represented by a lawyer before the First Appellate Court. He further submits that the petitioner is ready to deposit 10% of the compensation amount as ordered by the Trial Court in order to show her *bona fide*.

[5]. Learned counsel further submits that the poor financial condition of the petitioner and exceptional circumstances were not taken into account by the First Appellant Court while passing the impugned order dated 08.11.2023.

[6]. I have heard learned counsel for the petitioner and gone through the paper book.

[7]. Though vide order dated 16.12.2023, notice of motion was issued upon the respondent, however on account of his unfortunate death, the service could not be effected.

[8]. As per learned counsel for the petitioner, the respondent is duly represented by his lawyer before the First Appellate Court and as such it would be more appropriate to send this matter back to the First Appellate Court to appreciate the plea of exceptional circumstances to be put forth by the petitioner in the wake of law laid down by the Hon'ble Apex Court in case of **Jamboo Bhandari versus M.P. State Industrial Development Corporation Limited and others, 2023 (4) RCR (Criminal) 296.**, the same however, shall be subject to deposit of 10% of

the compensation amount by the petitioner before the Trial Court within a period of four (04) weeks from today.

[9]. It would be appreciated in case the First Appellate Court adjudicates upon the plea of deposit of amount of compensation in view of exceptional circumstances to be put forth by the petitioner within a period of two (02) months.

[10]. With the aforesaid observation, this petition is disposed of.

February 12, 2024	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No