



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

CRM-M-60338-2024

Date of Decision :**02.12.2024**

PUSHPINDER NATH

.....Petitioner

VERSUS

SATPAL MIROK

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Neha Bindal, Advocate for
Mr. Satbir Singh Gill, Advocate,
for the petitioner.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner seeks setting aside of the impugned order dated 04.10.2024 (Annexure P-3), whereby, the learned Additional Sessions Judge, Sirsa, while suspending the sentence of the petitioner, has directed him to deposit 20% of the compensation amount, within 60 days therefrom, failing which his suspension of sentence shall automatically stand cancelled.

2. The petitioner has been convicted by the learned trial Court concerned, vide judgment dated 03.09.2024, and vide order of sentence dated 05.09.2024, he was sentenced to undergo rigorous imprisonment for a period of one year. Further the petitioner, was directed to pay compensation to the tune of double the cheque amount i.e. Rs.9,44,000/- to the complainant within 30 days, and in default, to further undergo simple imprisonment for one month.

3. The verdict of conviction and order of sentence (*supra*), has

caused grievance to the petitioner and has triggered him to institute a statutory appeal thereagainst, before the learned appellate court concerned, which is pending consideration. However, the learned appellate court concerned has, through the impugned order (*supra*), directed him to deposit 20% of the compensation amount, within 60 days therefrom. Feeling aggrieved by the impugned order (*supra*), the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in her assailing the impugned order (*supra*), submits that the case of the petitioner falls within the “exceptional category”, inasmuch as, he does not have any means to make payment of even 20% of the compensation amount, as imposed upon him by the Courts concerned.

5. To buttress his submission, the learned counsel for the petitioner has placed reliance upon the judgment rendered by the Hon’ble Supreme Court in ***“Jamboo Bhandari V/s M.P. State Industrial Development Corporation Ltd. & Ors.”, 2023(3) Law Herald (SC) 2433.***

6. On a specific query being posed by this Court, vis-a-vis, *“whether the petitioner has, or, has not, till date, made an application before the learned appellate court concerned, thereby bringing the aforesaid facts on record”*, the learned counsel for the petitioner returned the answer in 'negative'.

7. In such circumstances, this Court, at this stage, refrains from making any interference in the matter, and, deems it fit and appropriate to

relegate the petitioner to the learned appellate court concerned, by making an appropriate motion. In case, the petitioner falls within “exceptional category”, as per the law laid down by the Hon’ble Supreme Court in this regard, thereupon, the learned appellate court concerned shall make a decision on the application, if any, preferred by the petitioner, as per law.

8. **Disposed of** accordingly.

December 02, 2024
dharamvi

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No