



127

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

CRM-M-4055-2025

DATE OF DECISION: 28.01.2025

**M/S DEVGAN RICE AND GENERAL MILLS
...PETITIONER**

Versus

**M/S SHEETAL TRADING COMPANY AND OTHERS
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate for the petitioner(s).

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the BNSS, 2023, seeking setting aside of order dated 24.12.2024 (Annexure P-3), passed by the Ld. Sessions Judge, at Tarn Taran, in Criminal Appeal no. i.e CRA no. 148/24.12.2024, titled as 'M/s Devgan Rice Mills us M/s Sheetal Trading Co.', pending before Sessions Judge at Tarn Taran, whereby the Sessions Judge at Tarn Taran, directed the Petitioner to deposit 20% of the cheque amount, by way of an erroneous and illegal order, which deserves to be set aside; NACT/224/2016 titled as "M/s Sheetal Trading Company vs M/s Devgan Rice' and General Mills, PS Patti City, decided on 29.11.2024 by the SDJM at Patti;

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to



CRM-M-4055-2025

-2-

move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of ***Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.***”, decided on 04.09.2023.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

(SANDEEP MOUDGIL)
JUDGE

28.01.2025

anuradha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*