



CRM-M-18208-2025

-1-

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

CRM-M-18208-2025

Date of Decision: 04.04.2025

M/s Varishabh Enterprises and another

..... Petitioners

Versus

Amarjit Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aayush Gupta, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for setting aside the order dated 04.02.2025 passed by learned Additional Sessions Judge, Ludhiana in a case bearing No.CRA/629 of 2024, whereby, as per the provisions of Section 148 of the Negotiable Instruments Act, 1881 (for short, 'the Act'), the petitioners have been directed to deposit 20% of the compensation amount imposed by learned trial Court.

2. It has been contended by learned counsel for the petitioner that the respondent-complainant filed a complaint under Section 138 of the Act and on the conclusion of the trial, learned trial Court convicted the petitioner vide judgment and order dated 05.06.2024 and sentenced him to undergo two years rigorous imprisonment alongwith the compensation for an amount of Rs.36,39,372/-. He submits that the petitioner assailed the same by way of filing an appeal before learned Appellate Court and alongwith the appeal, he filed an application for suspension of sentence. It is submitted that learned appellate Court while deciding the application for suspension of sentence, directed the petitioner to deposit 20% of the compensation awarded by learned trial Court to the respondent-complainant. This order was assailed by the petitioner before this Court by way of filing CRM-M-53853-2024 and



this Court vide order dated 29.10.2024, set aside the same directing the Appellate Court to pass fresh order in view of the law laid down by Hon'ble Supreme Court in **Jamboo Bhandari vs M.P.State Industrial Development Corporation Ltd. and others**, 2024(1) SCC (Cri) 90. He submits that on remanding the matter, now learned Appellate Court has passed the impugned order which is unsustainable in the eyes of law and thus, the same deserves to be set aside. It is further submitted that this Court while remanding the matter directed the Appellate Court to appreciate the exceptional circumstances existing in view of the law laid down in **Jamboo Bhandari's** case (supra), but learned Appellate Court failed to appreciate the same and thus, has again illegally directed the petitioner to deposit 20% of the compensation amount. He has submitted that Hon'ble Supreme Court has held that 20% of compensation amount cannot be directed to be paid in a mechanical manner by the accused. He has submitted that learned Appellate Court has passed the impugned order dated 04.02.2025 in a mechanical manner without there being any application having been filed by respondent-complainant under Section 148 of the Act. He, thus, submits that the impugned order being in violation of law laid down in **Jamboo Bhandari's** case (supra) deserves to be set aside.

3. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the petitioner has approached this Court in the second round of litigation. This Court vide order dated 29.10.2024 had set aside the earlier order passed by learned Appellate Court and directed to decide the case in view of the law laid in **Jamboo Bhandari's** case (supra). Learned Appellate Court issued notice to the respondent and appreciated the



arguments raised by both the sides on the anvil of law settled. For resolving the controversy involved in the present case, appreciation of provisions of Section 148 of the Act, is required, which reads as under:-

“Section 148: Power of Appellate Court to order payment pending appeal against conviction.

148. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), in an appeal by the drawer against conviction under section 138, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of twenty per cent. of the fine or compensation awarded by the trial Court: Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under section 143A.

(2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant.

(3) The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal:

Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.]”

4. Perusal of the same would show that the Appellate Court is well within its jurisdiction by directing the accused to pay 20% of the compensation amount awarded by the trial Court. However, in view of the



CRM-M-18208-2025

-4-

law settled, the same cannot be passed in a mechanical manner and before arriving at decision, the circumstances like financial capacity etc. of the accused is to be appreciated. Learned Appellate Court had duly heard the petitioner and it is thereafter, impugned order has been passed.

5. Thus, in the considered opinion of this Court, the order has been passed by learned Appellate Court in view of the law settled. Hence, having no infirmity found in the impugned order, the present petition is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

04.04.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No