



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

**CRM-M-22838-2025
DATE OF DECISION: 30.04.2025**

**RAIKOT FILLING STATION AND ANOTHER
...PETITIONERS**

Versus

KUSUM AHUJA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Sharma, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of The Bharatiya Nagrik Surkasha Sanhita, 2023 for Quashing/ Setting aside of Order dated 13.03.2025 (Annexure P-3) passed by the court of Additional Sessions Judge, Ludhiana in Criminal Appeal bearing number CRA-307 of 2025 titled as "Raikot Filing Station and another versus Kusum Ahuja" filed in challenge to Judgment dated 11.02.2025 passed by Judicial Magistrate First Class, Ludhiana in COMA-7366-2017, whereby sentence of the petitioners have been suspended till the decision of appeal conditionally by imposing a condition to deposit 20% of the cheque amount i.e. Rs.5,00,000/- as compensation within 60 days.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to 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Dismissed as withdrawn with liberty aforesaid.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

30.04.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>