

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

208

CRR-1341-2019 (O&M)

Date of decision: 09.02.2021

Suresh Kumar

..... Petitioner

Versus

Anup Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. Nitin Meel, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

On 30.05.2019, this Court had passed the following order:-

“The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo simple imprisonment for a period of two years and pay compensation i.e. double of the cheque amount i.e. ₹16,10,000/-.

The allegations in the complaint against the petitioner are that he had issued a cheque for a sum of ₹8,05,000/- on 07.12.2016 in favour of the respondent (complainant) which, on presentation, was dishonoured due to insufficient funds.

Learned counsel for the petitioner contends that the amount of compensation, which has been awarded, is highly excessive and the

petitioner is willing to return the amount of the cheque along with reasonable interest thereon in easy instalments. He undertakes that the petitioner shall bring a demand draft of ₹4,00,000/- in favour of the respondent on the next date of hearing.

Issue notice to the respondent returnable on 11.07.2019.

The petitioner shall bring a demand draft of ₹4,00,000/- in favour of the respondent on the next date of hearing.

The sentence of the petitioner shall remain suspended till the next date of hearing, subject to his furnishing requisite bonds to the satisfaction of the CJM/Duty Magistrate concerned.”

Subsequently, on 23.10.2019, this Court granted more time to the petitioner to pay the amount of Rs.4 Lacs. Order passed by this Court on 23.10.2019 deserves to be noticed and is reproduced as under:-

“This application has been preferred by the applicant/respondent for preponement of the date of hearing in the case, which is fixed for 28.11.2019.

Learned counsel for the applicant/respondent contends that the non-applicant/petitioner had not made the payment of ₹4,00,000/- to the applicant/respondent in terms of order dated 30.05.2019 and has been enjoying the interim protection ever since.

Issue notice to the non-applicant/petitioner returnable on 01.11.2019.

However, it is made clear that in case the non-applicant/ petitioner does not make the payment of ₹4,00,000/- to the applicant/ respondent by the next date of hearing, the interim protection shall be withdrawn.”

Counsel for the respondent has submitted that till date the compensation amount of Rs. 4 Lacs has not been paid despite the lapse of more than 1 ½ year.

Counsel for the petitioner submits that he has no instructions in this regard as the petitioner has not contacted him.

Notice was issued to the respondent as the petitioner had argued that the compensation awarded is highly excessive and the petitioner had undertaken to bring a demand draft of Rs.4 Lacs in favour of the respondent. Despite repeated opportunities, the petitioner has failed to do so.

There is no equity in favour of the petitioner.

Petition is accordingly, dismissed.

(SUVIR SEHGAL)
JUDGE

09.02.2021

pooja saini

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No