



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

CRM-M-27675-2025

Date of decision: 20.05.2025

SUSHIL KUMAR ALIAS SUSHIL KUMAR VASHIST

...PETITIONER

V/S

HARISH KUMAR AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Badal Malik, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 is for issuance of direction to learned Additional Sessions Judge, Panchkula, in criminal appeal bearing No.CRA No.193 of 2024 titled as '*Sushil Kumar vs. Harish Kumar and another*' to the effect that the petitioner is ready to pay the award amount and seeks more time to satisfy the award on or before 30.08.2025, arising out of judgment of conviction and order of sentence dated 04.10.2024 passed by learned Judicial Magistrate Ist Class, Panchkula in criminal complaint bearing No.NACT-874 of 2020 titled as '*Harish Kumar vs. Sushil Kumar*' in a complaint filed under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has borrowed an amount of Rs.6,86,668/- from respondent No.1, in lieu of which, he issued cheques bearing No.013009 dated 21.10.2019 and 000042 dated 01.12.2019 in favour of respondent No.1, but the same were dishonoured with remarks "Funds Insufficient". Thereafter, the petitioner gave an amount of Rs.50,000/- to respondent No.1 and issued a cheque bearing



No.202323 dated 30.09.2020 for an amount of Rs.6,36,668/- in his favour. Thereafter, upon presentation, the aforementioned cheque was got dishonoured and respondent No.1 filed the complaint (*supra*) against the petitioner under Section 138 of Negotiable Instruments Act, 1881. The petitioner was convicted by learned trial Court and was awarded simple imprisonment for a period of one year and to pay an amount of Rs.9,55,002/- as compensation. Thereafter, the petitioner filed an appeal against the judgment of conviction and order of sentence dated 04.10.2024 passed by learned Judicial Magistrate Ist Class, Panchkula, before learned Additional Sessions Judge, Panchkula.

3. Learned counsel further contends that during the pendency of the appeal, the matter was listed before National Lok Adalat on 14.12.2024. The petitioner and respondent No.1 arrived at a compromise and the matter was resolved amicably. The petitioner undertook to satisfy the award by making payment in terms of the compromise on or before 31.03.2025, as discernible from order dated 14.12.2024 passed by learned Presiding Officer, National Lok Adalat, Panchkula (Annexure P-3). However, the petitioner could not arrange the required funds and made a prayer for extension of time. Thereafter, on 28.04.2025 (Annexure P-4), the petitioner was granted time to make the payment on or before 10.05.2025 but the petitioner failed to pay the settled amount. Learned counsel further submits that vide order dated 13.05.2025, the petitioner was asked to pay the remaining amount of Rs.7,92,750/- on the next date of hearing i.e. 22.05.2025. Learned counsel submits that the petitioner moved the present petition before this Court for extension of three months more time in order to satisfy the award and pay the



entire outstanding amount in terms of the settlement to respondent No.1. Learned counsel for the petitioner further relies upon the medical report (Annexure P-5) and submits that on account of being unwell, the petitioner could not arrange the funds and he is ready to compensate respondent No.1 on account of delay as initially, the petitioner was required to pay the amount by 31.03.2025. The petitioner undertakes to clear the entire outstanding amount by 30.08.2025 and is ready to deposit Rs.1,00,000/- more, over and above the remaining balance amount to the tune of Rs.7,92,750/-.

6. Having heard learned counsel for the petitioner and after perusing the record with his able assistance, the present petition is being decided *in limine* to save judicial time as well as litigation cost that would be incurred by the respondent No.1

7. Keeping in view the limited prayer made by the petitioner, the present petition is disposed of with a direction to learned Additional Sessions Judge, Panchkula to grant the petitioner, three months more time i.e. till 30.08.2025 and adjourn the matter beyond 30.08.2025.

8. It is made clear that in case, the petitioner fails to abide by his undertaking of paying an amount of Rs.8,92,750/- on or before 30.08.2025, the appeal pending before learned Additional Sessions Judge, Panchkula is ordered to be decided on merits in accordance with law.

May 20, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |