



CRM-M-36826-2025

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125 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36826-2025

Date of decision: 27.08.2025

M/S SHAMBHU KARYANA STORE AND ANOTHER...Petitioners

Versus

ANITA SAYAL

...Respondent

CORAM: HON'BLE MR. JUSTICE **SUBHAS MEHLA**

Present: Mr. B.R. Rana, Advocate
for the petitioner.

SUBHAS MEHLA, J (Oral):

1. The present petition under Section 528 of BNSS Act, 2023 has been filed for quashing of order dated 02.06.2025 (Annexure P-4) passed by the Court of Additional Sessions Judge, Ludhiana, whereby the petitioner has been directed to deposit 20% of the compensation amount awarded by learned trial Court within a period of 60 days as interim compensation in appeal bearing No.CRA-560-2025 titled as 'M/s Shambhu Karyana Store and another Vs. Anita Sayal' pending before learned Additional Sessions Judge, Ludhiana filed against judgment dated 26.05.2025 passed by the learned Trial Court in complaint COMA/1114/2024 titled as "Anita Sayal Vs. M/s Shambhu Karyana Store and another".

2. Learned counsel for the petitioner submits that respondent had filed a criminal complaint under Section 138 of the Negotiable Instruments Act against the petitioner wherein on conclusion of trial, the petitioner was convicted and sentenced to simple imprisonment for two years and further to pay compensation of amount of Rs. 25,00,000/- vide judgment dated 26.05.2025 by the Court of Judicial Magistrate 1st Class, Ludhiana. Being aggrieved, petitioner had preferred an appeal against the said judgment and



order and the Appellate Court vide order dated 02.06.2025 has admitted the appeal and also disposed of application seeking suspension of sentence with direction to the petitioner to deposit 20% of the amount of compensation awarded by the learned trial Court.

3. Learned counsel for the petitioner while assailing the impugned order (Annexure P-4) submits that the case of the petitioner falls in “exceptional category” inasmuch as, he does not have any means to make payment of 20% of the awarded compensation amount.

4. Learned counsel for the petitioner further contends that the learned lower Appellate Court failed to appreciate the facts in the right perspective and imposed the condition to deposit 20% of the compensation in a mechanical manner, without assigning any reasons and such a condition is illegal, arbitrary and in violation of the law as laid down by the Hon’ble Supreme Court in ***Criminal Appeal Nos.2741 of 2023 SLP(Crl.) Nos. 4927 of 2023 Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others***, decided on 04.09.2023, wherein it was observed as follows;-

“6. What is held by this Court is that a purposive interpretation should be made of Section 148 of the N.I. Act. Hence, normally, Appellate Court will be justified in imposing the condition of deposit as provided in Section 148. However, in a case where the Appellate Court is satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of appeal of the appellant, exception can be made for the reasons specifically recorded.

7. Therefore, when Appellate Court considers the prayer under Section 389 of the Cr.P.C. of an petitioner who has been convicted for offence



under Section 138 of the N.I. Act, it is always open for the Appellate Court to consider whether it is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount. As stated earlier, if the Appellate Court comes to the conclusion that it is an exceptional case, the reasons for coming to the said conclusion must be recorded.”

5. I have heard the counsel for the petitioner and gone through the impugned order and the case law referred by counsel for the petitioner and this Court is of the view that the impugned order dated 02.06.2025 passed by the Appellate Court to the extent whereby petitioner is directed to deposit 20% of the compensation amount awarded by trial Court is not in accordance with the afore-stated settled position of law. While passing the said direction, the Appellate Court has not referred to the ratio laid down by Hon'ble Supreme Court in ***Jamboo Bhandari's case (supra)*** and no reason is given by the said Court while issuing aforesaid directions.

6. Consequently, the impugned order dated 02.06.2025 is set aside to the extent of imposition of condition of depositing 20% of the compensation amount and the matter is remanded back to the Learned Appellate Court to re-examine the case after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances, which warrants waiver of the requirement of deposit of 20% of the compensation awarded by the learned trial Court, in the light of judgment passed by Hon'ble Supreme Court in ***Jamboo Bhandari's case (supra)*** and till then not to take any coercive action against the petitioner. The petitioner is directed to appear before the Appellate Court on the next date fixed in the appeal before learned Appellate Court.

7. Keeping in view the nature of order being passed, no notice is



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required to be issued to the respondent. However, opportunity of hearing be given to respondent at the time of deciding the application of petitioner/appellant.

8. The instant petition stands disposed of in above terms.

**(SUBHAS MEHLA)
JUDGE**

27.08.2025
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |