

**CRR-1963-2025(O&M)****1****127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1963-2025(O&M)
Date of decision: 29.10.2025****GURMEET KAUR****...PETITIONER****VERSUS****RACHPAL SINGH****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. J.S.Thind, Advocate and
Mr. Divyanshu Bansal, Advocate for the petitioner.

***********SUBHAS MEHLA, J. (ORAL)**

1. The present petition has been filed by the petitioner against the impugned order dated 05.05.2025 passed by learned Additional Sessions Judge, Amritsar whereby the sentence awarded to the petitioner under Section 138 of Negotiable Instruments Act has been suspended conditionally by imposing the condition to deposit 20% of the fine/compensation imposed by the trial Court within a period of 60 days.

2. The present complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as N.I. Act) was filed by the complainant on a dishonoured cheque allegedly issued by the petitioner and her husband as part of transaction involving a disputed agreement to sell dated 28.06.2019.

3. Vide judgment and order dated 07.04.2025 passed by learned Judicial Magistrate First Class, Amritsar, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of 09 months and Rs.5 lacs compensation to complainant. In default of payment of compensation convict shall undergo simple imprisonment for two months. Thereafter, the

petitioner preferred an appeal against the said judgment of conviction and order



of sentence before the learned Additional Sessions Judge, Amritsar. The learned Appellate Court vide order dated 05.05.2025, suspended the sentence of the petitioner and was directed to deposit 20% of the fine/compensation amount imposed by trial Court within a period of 60 days.

4. Learned counsel for the petitioner *inter alia* 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.

5. Thus, learned counsel for the petitioner contends that petitioner is not able to deposit 20% fine/compensation as she is directed to be deposited under the impugned order dated 05.05.2025 inasmuch she is under severe financial distress and she is unemployed and her husband is retired and the sole source of income is his pension. Further, her daughter is suffering from cancer and is undergoing costly treatment at a hospital in Amritsar and the petitioner prayed that petition be accepted.

6. Given the nature of order this Court proposes to pass, no notice is required to issue private respondent.

7. Heard learned counsel for the petitioner and perused the record.

8. Division Bench of this Court in the case of ***M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation*** has held as under:

“76. Therefore, the simplest solution to all these issues is that whenever the deposits are expensive than the liberty, and the Appellate Courts are convinced that the convicts are not in a position to deposit and likely to forego their liberty even when the first appeal is yet to be decided, the Appellate Courts must make efforts to prioritize hearing appeals filed against the convictions under Section 148 NI



Act and decide those preferably within sixty days of filing, and not later than ninety days, which clearly aligns with the legislators' intentions. However, the time of sixty days should be extended to the extent to which the decision of the appeal is delayed because of the complainant."

9. The contentions of learned counsel for the petitioner is that the petitioner is not able to deposit 20% of fine/compensation due to severe financial distress and she is unemployed and her husband, being retired, has pension as the sole source of income. Furthermore, her daughter is suffering from cancer and is undergoing expensive treatment at a hospital in Amritsar and the Hon'ble Division Bench of this Court in **M/s Coromandel International Limited's** case (supra) had already held the Appellate Courts must make efforts to prioritize hearing appeals filed against the conviction under Section 138 of NIA Act and decide the same within 60 days of the filing and not later than 90 days, where the appellant is not in a position to deposit the compensation amount as ordered by the Appellate Court.

10. Thus, in view of the same, the present petition is disposed of with a direction to the Appellate Court concerned to hear the appeal of the petitioner and decide the same within 60 days and not later than 90 days. It is further clarified that the parties shall not seek any unnecessary adjournments.

11. Disposed of.

12. Pending applications, if any, stand disposed of.

29.10.2025
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(SUBHAS MEHLA)
JUDGE

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