

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 126

Criminal Miscellaneous No.M-44433 of 2025**Date of Decision: August 18, 2025**Anoop Jain & another

..... PETITIONER(S)

*VERSUS*M/s Jai Narain Madan Lal

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**PRESENT:** - Mr. P.S. Guliani, Advocate, for the petitioners.**SUBHAS MEHLA, J**

The petitioner was convicted under Section 138 of Negotiable Instruments Act, 1881 (for short, NI Act') vide judgment of conviction and order of sentence dated 22.04.2025 passed in Complaint No.COMA-24290-2019 titled '**M/s Jai Narain Madan Lal v. M/s Anoop Oswal Hosiery & another**' by the trial Court. Against his conviction and sentence, the petitioner filed appeal. The appellate Court while admitting the appeal on 17.05.2025 directed the petitioner to deposit 20% of the compensation amount as awarded by the trial Court within 60 days in cash or in the shape of demand draft in the trial Court. It is the aforesaid order which has been challenged through this petition.

2. Learned counsel for the petitioner contends that the petitioner was not provided any opportunity of hearing before passing the order. Petitioner is not in a position to pay any amount and there was exceptional circumstance due to which he was not required to deposit 20% of the compensation amount. In support of his contention, learned counsel has referred to '**Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & others**', in Criminal Appeal No.2741 of 2023, SLP



(Crl.) No.(S) 4927 of 2023. Learned counsel contends that the appellate Court was required to consider as to whether the case of petitioner falls in the exception or not.

3. Without issuing any notice to the respondent, lest it may delay the proceedings, the present petition is accepted. The impugned order is set aside. The appellate Court is directed to pass a fresh order in the light of law explained by the Supreme Court in **Jamboo Bhandari’s** case (supra).

4. Since this order has been passed in the absence of the respondents, therefore, the opportunity of hearing be given to the respondent-complainant at the time of passing the order.

(SUBHAS MEHLA)
JUDGE

August 18, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No