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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45548-2025

Date of Decision: 22.08.2025

NIRMALA ALIAS NIRMALA DEVI

... PETITIONER

VERSUS

M/S INDIRA FINANCIAL SERVICES LIMITED AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Vishal Sharda, Advocate
for the petitioner.

SUBHAS MEHLA, J. (ORAL)

The petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short, NI Act') vide judgment of conviction dated 22.01.2025 and order of sentence dated 28.01.2025 passed in complaint no. NACT/5244/2015 titled “ **M/s Indira Financial Services Limited vs. Nirmala and another**’ by the trial Court. Against his conviction and sentence, the petitioner filed the appeal. The appellate Court while admitting the appeal on 27.02.2025 directed the petitioner to deposit 20% of the compensation amount as awarded by the trial Court within 60 days in the form of bank draft/fixed deposit in favour of the



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complainant/respondent. It is the aforesaid order which has been challenged through this petition.

2. Learned counsel for the petitioner contended 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

22.08.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>