

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

128

CRM-M-48030-2025

Date of decision: 02.09.2025

Malkeet Singh

...Petitioner

Versus

Debo Devi

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Sumit S. Bairagi, Advocate for the petitioner.

AARADHNA SAWHNEY, J.(ORAL)

1. Challenge in the present petition is to order dated 14.07.2025 passed by learned Additional Sessions Judge, Kurukshetra, vide which, while suspending the sentence of the appellant on 03.07.2025 (passed by learned trial Court in *Criminal Complaint No.1180 of 2020, titled as Debo Devi vs. Malkeet Singh*), petitioner (appellant before the learned Additional Sessions Judge) was directed to deposit 20% of the compensation amount by 03.09.2025.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Complaint bearing No.NACT/1180/2020 titled as ‘Debo Devi vs. Malkeet Singh’ was filed by Debo Devi against the petitioner, under Section 138, 141 and 142 of Negotiable Instruments Act. In the said complaint, petitioner herein, was convicted of the charges levelled against him and was sentenced as follows:-

Offence u/s	Imprisonment	Default sentence
138 NI Act	RI for 06 months and further directed to compensation to the tune of Rs.9,75,000/-	Further undergo RI for one month.



3. Aggrieved of the same, petitioner filed an appeal bearing No.CRA 157 of 2025. Learned Additional Sessions Judge, Kurukshetra passed the following order dated 03.07.2025.

“Surety bond not furnished. Appellant suffered a statement that he may be given ten days time for furnishing bail bonds.

Heard on application under Section 430 Cr.P.C for suspension of sentence. The appellant was on bail in trial Court and the maximum punishment awarded to appellant is six month, so in view of these circumstances, sentence is suspended and the appellant is admitted to bail on furnishing personal bonds in the sum of 1,00,000/- with one surety in the like amount to the satisfaction of this Court. Appellant is directed to furnish the requisite bail bonds before this Court within ten days from today.

As per Section 148 Negotiable Instrument Act appellant convict is directed to pay 20% of the compensation amount within 60 days.

Notice to respondent/complainant be issued for 14.07.2025 on filing copy/PF etc.

A copy of this order be also sent to learned trial Court for information.”

4. In terms of the impugned order dated 14.07.2025, the petitioner was directed to pay 20% of the compensation amount by 03.09.2025.

5. Learned counsel for the petitioner submits that no specific reason was assigned by the learned First Appellate Court, on the basis of which petitioner was asked to deposit 20% of the compensation amount. Submissions advanced by learned counsel before the learned First Appellate Court were not taken note of, inasmuch as it had been argued that on account of financial constraints, the case of the appellant falls within the exception and thus, condition of deposit of 20% of the awarded compensation amount,



be not imposed, while suspending the sentence under Section 389(3) Cr.P.C. (now 430 BNSS). Learned counsel submits that with the help of the relatives and family friends, petitioner has been able to arrange 10% of the awarded compensation amount, despite acute financial crunch and that if the impugned order is not modified, his appeal would be rendered infructuous. With this backdrop, learned counsel prays that the order dated 14.07.2025 be modified to the extent mentioned hereinabove.

6. Heard. Documents on record perused.

7. The question as to whether deposit of 20% of the awarded compensation amount, is mandatory while suspending the sentence, was considered by the Hon'ble Supreme Court in ***Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others, 2023 (180) SCL 373***, wherein it was held as under:-

“8. The submission of the learned counsel appearing for the original complainant is that neither before the Sessions Court nor before the High Court, there was a plea made by the appellants that an exception may be made in these cases and the requirement of deposit or minimum 20% of the amount be dispensed with. He submits that if such a prayer was not made by the appellants, there were no reasons for the Courts to consider the said plea.

9. We disagree with the above submission. When an accused applies under Section 389 of the Cr.P.C. for suspension of sentence, he normally applies for grant of relief of suspension of sentence without any condition. Therefore, when a blanket order is sought by the appellants, the Court has to consider whether the case falls in exception or not.

10. In these cases, both the Sessions Courts and the High Court have proceeded on the erroneous premise that deposit of



minimum 20% amount is an absolute rule which does not accommodate any exception.”

8. It is, thus, settled that even if no plea for making an exception for deposit of 20% has been raised, the Appellate Court will still have to consider whether the case falls in exception or not and pass a well-reasoned order.

9. Reverting back to the facts of the present case, in the impugned order dated 14.07.2025, as also in order prior to that (dated 03.07.2025), no finding was returned by the learned Additional Sessions Judge, as to whether the case of the appellant falls within the exception, so as to exempt payment of awarded compensation amount.

10. Nonetheless, in view of the submissions advanced by learned counsel for the petitioner and the undertaking given by him that 10% of the awarded compensation amount would be immediately paid by petitioner, the present petition is disposed of with a direction to the petitioner to make the aforesaid payment within a period of 15 days from the passing of the order.

(AARADHNA SAWHNEY)
JUDGE

02.09.2025

Hemant

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