



CRM-M-50042-2025 (O&M)

- 1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

127

CRM-M-50042-2025 (O&M)
Date of decision: 22.09.2025

GOLDI

....Petitioner

Versus

DEEPAK KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Krishan Singh, Advocate for the petitioner.

YASHVIR SINGH RATHOR. J.(Oral)

CRM-36633-2025

1. Present application under Section 528 of BNSS, 2023 has been filed for placing on record the copy of impugned order dated 01.04.2025, passed by learned ASJ, Ambala, as Annexure P-4, copy of Family ID as Annexure P-5 and copy of Ration Card as Annexure P-6.

2. For the reasons mentioned in the application, the same is allowed. Annexures P-4 to P-6 are taken on record, subject to all just exceptions.

CRM-M-50042-2025

3. The present petition under Section 482 Cr.P.C has been filed for quashing of impugned order dated 01.04.2025 (Annexure P-3) passed by Court of learned Additional Sessions Judge, Ambala in criminal appeal bearing No.116 of



CRM-M-50042-2025 (O&M)

- 2 -

2025 titled 'Goldi versus Deepak Kumar' filed against the judgment of conviction dated 06.03.2025 passed by learned Judicial Magistrate First Class, Ambala in case bearing Criminal Complaint No.331/2019, whereby, sentence of the petitioner was suspended conditionally by imposing a condition to deposit 20% of the compensation amount.

4. Vide judgment of conviction/sentence dated 06.03.2025 passed by learned Judicial Magistrate First Class, Ambala, the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year for commission of offence punishable under Section 138 of Negotiable Instruments Act and was further directed to pay compensation, i.e. Rs.4,80,000/- to the complainant in a complaint instituted by complainant/respondent. Thereafter, the petitioner preferred an appeal against the said judgment of conviction/sentence before the learned Additional Sessions Judge, Ambala. The learned Appellate Court vide order dated 01.04.2025, suspended the sentence of the petitioner subject to depositing of 20% of the compensation amount.

5. Learned counsel for the petitioner *inter alia* contends that the learned Appellate Court failed to appreciate the facts of the case in the correct perspective and imposed the condition to deposit 20% of the compensation amount and such a condition is illegal, arbitrary and in violation of the law 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 vide judgment dated 04.09.2023 in which it has been held as under:-

“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 a 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.”

6. In view of the law laid down in **Jamboo Bhandari (supra)**, the Appellate Court was required to consider whether the present case falls within the exceptions or not but no such reasons have been recorded while imposing the condition to deposit 20% of the amount. The impugned order dated 01.04.2025 (Annexure P-3) is thus not sustainable and is hereby set aside to the extent of imposing the condition of depositing 20% of compensation amount. The learned Appellate Court is directed to re-examine the case afresh after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances and decide whether it is an appropriate case that warrants waiver of the requirement to deposit 20% of the compensation awarded by learned trial Court.

7. Resultantly, the matter is remanded back to the learned Appellate Court with a direction to decide the matter afresh in accordance with law in the



CRM-M-50042-2025 (O&M)

- 4-

light of judgment passed by the Hon'ble Supreme Court in **Jamboo Bhandari's case (supra)**.

8. The petition is disposed of accordingly.

		(YASHVIR SINGH RATHOR)
		JUDGE
22.09.2025		
amandeep	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No