

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-60187-2025(O&M)

Date of decision: 13.11.2025

MOHD. MUGHNI USMANI @ MOHD. MUGNI OSMANI

....Petitioner

Versus

KRISHAN KUMAR

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

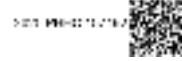
Present:- Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition has been filed for quashing/setting aside of order dated 16.09.2025 passed by the Court of learned Additional Sessions Judge, Sangrur (Annexure P-10) in case bearing No.CRA/497/2025 titled as '*Mohd. Mugni Osmani vs. Krishan Kumar*' filed against the judgment of conviction and order of sentence dated 26.08.2025 passed by learned Judicial Magistrate Ist Class, Dhuri, (Annexure P-9) whereby, the sentence of the petitioner was suspended conditionally by imposing a condition to deposit 20% of the compensation without considering whether the case of the petitioner falls within exception or not.

2. Vide judgment of conviction and order on quantum of sentence dated 26.08.2025 passed by learned Judicial Magistrate Ist Class, Dhuri the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years for commission of offence

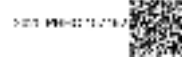


further directed to pay compensation to the tune of Rs. 4,80,000/- alongwith interest @ 6% per annum to the complainant, along with default mechanism. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and order of sentence before the learned Additional Sessions Judge, Sangrur. The learned Appellate Court vide order dated 16.09.2025, suspended the sentence of the petitioner subject to depositing 20% of the compensation amount within 60 days.

3. 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 amount and such a condition is illegal, arbitrary and in violation of the law as laid down by the Hon'ble Supreme Court in ***Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others, 2023 (10) SCC 446***. Speaking through Justice Abhay S. Oka, it has been held as follows:-

“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

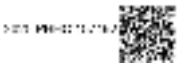


of the N.I. Act, it is always open for the Appellate Court to consider whether it is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount. As stated earlier, if the Appellate Court comes to the conclusion that it is an exceptional case, the reasons for coming to the said 4 conclusion must be recorded.”

4. Learned counsel for petitioner has further drawn attention of this Court to the operative part of the impugned order and submits that the order passed is not in spirit of the dicta laid down by the Hon’ble Supreme Court in ***Jamboo Bhandari (supra)*** rather is passed in a mechanical manner without recording its reasons to come to the conclusion as to its satisfaction regarding existence or non-existence of exceptional circumstances to waive the condition of deposit of 20% of compensation.

5. Having heard learned counsel for the petitioner and after perusing the judgment passed in ***Jamboo Bhandari (supra)*** and the impugned order, the learned Appellate Court was required to pass a speaking order while recording its reasons to come to the conclusion as to its satisfaction regarding existence or non-existence of exceptional circumstances for waiving the condition of deposit of 20% compensation.

6. Consequently, the impugned order dated 16.09.2025 is hereby set aside to the extent of imposing the condition of depositing 20% of compensation amount. The learned lower Appellate Court is directed to re-examine the matter after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances and pass a speaking



order as to whether it is an appropriate case that warrants waiver of the requirement of deposit of 20% of the compensation awarded by learned trial Court or not.

7. The matter is remanded back to the learned lower Appellate Court with a direction to decide the matter afresh in accordance with law in the light of judgment passed by the Hon'ble Supreme Court in *Jamboo Bhandari's case (supra)*.

8. The petition is disposed of accordingly.

13.11.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |