IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1165 of 2026
Reserved on: 15.10.2026
Decided on: 02.11.2026

Kanshi Ram .... Petitioner

Versus

Dinesh Sood .... Respondents

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No.

For the Petitioner : Mr Manjeet Singh, Advocate vice Mr G.R. Palsra, Advocate.

For the Respondents : Nemo

Rakesh Kainthla, Judge

The petitioner has filed the present petition against the order dated 03.10.2026 passed by learned Additional Sessions Judge-II, Kullu (learned appellate Court), vide which an application seeking extension of time to comply with the order dated 16.5.2024 was dismissed.

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2. Briefly stated, the facts giving rise to the present petition are that the petitioner was convicted and sentenced by the learned trial Court. He filed an application for the suspension of the sentence. The application was allowed on 16.05.2024, and the sentence imposed upon the petitioner was suspended during the pendency of the appeal, subject to his furnishing personal and surety bonds in the sum of ₹50,000/- and depositing 20% of the compensation amount within 60 days. The petitioner could not deposit the amount within the stipulated period, and he filed an application for extension of time, which was dismissed by the learned appellate Court after holding that the time of 90 days prescribed under Section 148 of the N.I. Act had elapsed, and there was no reason to extend the time.

3. Being aggrieved by the order passed by the learned trial Court, the petitioner has filed the present petition asserting that the learned trial Court erred in dismissing the application. The petitioner is a physically handicapped person who has no source of income. He has crossed the age of 63 years. There is no bar to extension of time considering the physical condition of the petitioner. The learned Appellate Court had taken a hyper-technical view of the matter. Hence, it was prayed that the

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present petition be allowed and the order passed by learned trial Court be set aside.

4. Mr Manjeet Singh, learned vice Counsel representing the petitioner, submitted that the petitioner is handicapped and he could not arrange the money within the time granted by the learned appellate Court. He filed an application for extension, but it was dismissed on a hyper-technical ground. The petitioner would have to undergo the imprisonment awarded by the learned trial Court by not extending the time, and it would defeat the purpose of filing the appeal. Therefore, he prayed that the present petition be allowed and the order passed by the learned Trial Court be set aside.

5. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

6. Section 148(2) of the Negotiable Instruments (NI) Act provides that the amount of compensation is to be deposited within 60 days, which can be extended by a period not exceeding 30 days on sufficient cause being shown. It is undisputed that the original order was passed by the learned appellate Court on 16.05.2024 and the period of 90 days prescribed under Section

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148(2) of the N.I. Act has expired. This Court held in ***Cr. MMO No. 1179 of 2023, titled Surinder Singh Vs. Dharam Singh & Anr., decided on 14.12.2023***, that the period of 90 days cannot be extended by taking recourse to the inherent jurisdiction.

7. This Court had referred the question whether the period of 90 days prescribed in Section 148(2) of the N.I. Act is directory or mandatory, or can be extended by the Appellate Court or by this Court, to a larger Bench in ***Cr.MMO No. 1278 of 2023, titled Dharmender Singh v. Pradeep Kumar***. The Hon'ble Division Bench held that the Court has already taken a view in ***Surender Singh*** (supra) that the provisions of Section 148(2) of the N.I. Act are mandatory and cannot be extended beyond 90 days. The judgments passed by the coordinate Benches had not decided this question and had merely extended the time; therefore, they would not constitute a conflicting opinion.

7. In view of the authoritative judgment of the Hon'ble Division Bench in ***Dharmender Singh*** (supra), and the judgment passed by this Court in ***Surender Singh*** (supra), this Court cannot extend the time of 90 days granted to deposit the compensation.

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Hence, there is no infirmity in the order passed by the learned Appellate Court.

8. In view of the above, the present petition fails, and it is dismissed. However, it is expected that the petitioner's appeal would be decided expeditiously since the matter pertains to the year 2024 and the petitioner would have to undergo imprisonment after the dismissal of his application for extension of time.

9. The present petition stands disposed of in the aforesaid terms, so also the pending applications, if any.

(Rakesh Kainthla)
Judge

02nd November, 2026
(Ravinder)