



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

(167)

CRM-M-12496-2026(O&M)
DATE OF DECISION:17.03.2026

Kapila Trading Co. and another

.....Petitioners

VERSUS

Rohit Gupta and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Gourav Goel, Advocate, for the petitioners.
Mr. Ravi Chadda, Advocate,
and Mr. Aftab, Advocate, for respondent no.1.

SUBHAS MEHLA, J (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of the BNSS, against the impugned order dated 16.01.2026 (Annexure P-2), passed in CRA-88-2023 by learned Additional Sessions Judge, Ludhiana, whereby the sentence awarded to the petitioner vide order dated 09/01/2026 under Section 138 of Negotiable Instruments Act, passed in CIS No.COMA-4487/2019 titled "Rohit Gupta and another versus Kapila Trading Co. and another" has been suspended conditionally by imposing the condition to deposit 20% of the compensation imposed by the trial Court within a period of one month.

2. Learned counsel for the petitioner submitted that aggrieved against the order of conviction and sentence dated 09.01.2026, passed by learned Judicial Magistrate Ist Class, Ludhiana, petitioner preferred an appeal before the learned first Appellate Court for dismissing the complaint, to acquit the appellant and for staying the proceedings regarding the payment of compensation, however, learned Appellate Court vide its



impugned order dated 16.01.2026 suspended the sentence of the appellant but wrongly mentioned in its order that the plea for exemption of payment of 20% of compensation amount was taken, and that he could not make out a case of exceptional circumstances entitling him to seek such exemption, hence directing appellant to deposit 20% of compensation amount within one month from the date of passing of the order. The true version is that the said plea seeking exemption from payment of 20% of compensation was never taken by learned counsel for the appellant as is clear from the application filed by the petitioner before Additional Sessions Judge annexed as Annexure P-3. Learned counsel prayed that the impugned order be set aside and the appeal be decided afresh in accordance with the application filed by him.

3. Notice of motion.

4. Mr. Ravi Chadda, Advocate, appeared on behalf of respondent no.1 and opposed the contention by submitting that the petitioner was directed to deposit 20% of the compensation amount within a period of one month; thereafter he moved an application for extension of time to deposit the same, which was also allowed and time was extended however, he failed to pay the requisite amount despite extension of time. Now he has approached this Court while taking some other stand just to delay the proceedings.

5. Heard.

6. The Hon'ble Division Bench of this Court in M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation, 2025(4) RCR (Crl.) 490 has held that the Appellate Courts must make efforts to prioritize

hearing appeals filed against the conviction under Section 138 of NIA Act and decide the same within 60 days of the filing and not later than 90 days, where the appellant is not in a position to deposit the compensation amount as ordered by the Appellate Court.

8. Thus, keeping in view the contention of the learned counsel for the parties and also keeping in view the facts and circumstances of the case, the present petition is **disposed of** with a direction to the petitioners to move an application showing their incapacity to deposit 20% of the compensation amount before the learned Appellate Court and learned Appellate Court after giving opportunity to the respondents, decide their application by passing a fresh order after taking into consideration the law laid down in **Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. And others [2023 (4) RCR (Criminal) 296]** and if petitioners are not exempted then to decide their appeal as per the directions of this Court within 60 days and not later than 90 days and also in view of **M/s Coromandel International Limited’s case (supra)**.

17.03.2026		(SUBHAS MEHLA)
mamta		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No