



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(145)

CRM-M-13743-2026(O&M)
DATE OF DECISION:13.03.2026

Mahabir

.....Petitioner

VERSUS

Sushil Kumar

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Priyanshu Kamra, Advocate, (through VC)
for the petitioner.

SUBHAS MEHLA, J (ORAL)

1. The present petition has been filed by the petitioner against the impugned order dated 15.01.2026 (Annexure P-3), passed by learned Additional Sessions Judge, Fazilka, whereby the sentence awarded to the petitioner under Section 138 of Negotiable Instruments Act has been suspended conditionally by imposing the condition to deposit 20% of the compensation imposed by the trial Court within a period of 60 days.

2. Learned counsel for the petitioner submitted that petitioner is not in a position to pay the amount imposed upon him and has been wrongly convicted by the learned trial Court; that learned appellate Court passed the impugned order dated 15.01.2026 without taking into consideration the fact that petitioner is not in a capacity to pay the 20% of the compensation amount and his case falls within the exceptional circumstances which warrants the waiver of requirement of depositing of 20% of the compensation awarded by the learned trial court in the light of judgment passed by Hon'ble the Supreme Court in **Jamboo Bhandari vs. M.P. State**

Industrial Development Corporation Ltd. And others [2023 (4) RCR



(Criminal) 296]. However, he fairly admitted that at the time of passing of said order, no plea has been taken qua his incapacity to deposit 20% of the compensation amount.

3. Keeping in view the order proposed to pass, there is no need to issue notice to the respondents.

4. At this stage, learned counsel for the petitioner limited his prayer that he will move an application before the learned first Appellate Court to raise all the pleas taken before this Court.

5. Heard.

6. Impugned order dated 15.01.2026 (Annexure P-3) perused, which shows that at the time of passing of said order, no plea has been taken qua his incapacity to deposit 20% of the compensation amount; the aforesaid amount was not deposited by the petitioner within the prescribed period rather he challenged the impugned order within a period of 60 days.

7. The Hon'ble Division Bench of this Court in M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation, 2025(4) RCR (Crl.) 490 had already 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, in view of the above, the present petition is **disposed of** with a direction to the learned Appellate Court concerned to consider the plea of the petitioner regarding his inability to deposit 20% by passing a fresh order after taking into consideration the law laid down in **Jamboo**



Bhandari’s case (supra) and if case of petitioner is not found to be fallen under exceptional circumstances which warrants waiver of deposit of 20% of compensation amount, then to decide the case as per the directions of this Court within 60 days and not later than 90 days, in view of **M/s Coromandel International Limited’s case (supra)**.

13.03.2026
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No