



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

303

CRM-M-34133-2024 (O&M)

Date of decision: 25.03.2026

M/S Subh Sale Corporation and Anr

....Petitioners

Versus

M/S Mittal and Sons

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mrigank Sharma, Advocate for the petitioners

Mr. Ujval Mittal, Advocate for the respondents

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed against the order dated 17.11.2023 passed by the learned Additional District & Sessions Judge, SAS Nagar in Criminal Appeal No.CRA/180/2023, whereby the petitioner was granted suspension of sentence on a condition to deposit 20% of the compensation amount.

2. Learned counsel submits that the sentence of the petitioner was suspended vide order dated 17.11.2023, subject to the condition that he will deposit 20% of the compensation amount within 2 months in view of Section 138 of the NI Act, which was stayed by this Court vide order dated 25.07.2024. The imposition of such stringent and onerous condition, vide the impugned order, is unjust. He prays that the same be liable to be quashed on account of his poor financial status.

3. Heard.



4. Reference is made to the judgment of Hon'ble the Supreme Court in **Jamboo Bhandari vs. MP State Industrial Development Corporation Ltd.**

2023(10) SCC 446, the relevant paras whereof reads thus:

“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 accused 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 conclusion must be recorded.”

5. In **Muskan Enterprises and another vs. State of Punjab** 2024 SCCOnline SC 4107, Hon'ble the Supreme Court remitted the matter to the Sessions Court to re-examine the issue of ordering deposit by observing that, “Whether sufficient ground has been made out by the appellants to persuade the Sessions Court not to order any deposit is left entirely to its discretion and satisfaction. We do not express any opinion on the plea that the appellants have sought to advance before us, lest any party seeks to derive any advantage. All points are left open.”

6. In light of the aforesaid, the condition imposed to deposit 20% of compensation under Section 148-A of the Act in the order dated 17.11.2023 is set aside. The learned Appellate Court to reconsider the matter afresh, as per the observations made in the aforesaid judgments, granting an opportunity to the



petitioner.

7. Till the decision is taken, the interim order dated 25.07.2024 is continued. The petitioner is directed to appear through his counsel before the learned Appellate Court on or before 16.04.2026, failing which, this order shall stand vacated automatically.

8. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

25.03.2026
ashok

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No