

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

Sr. No.138

CRM-M-26433-2026
Date of Decision: 11.05.2026

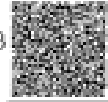
RAGHVENDRA DWIVEDI**...Petitioner****Versus****HARYANA KHADI GRAMODYOG SANGH AND ANR ..Respondents****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Nitin Bhanwala, Advocate and
Mr. Ritik Boora, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the impugned order dated 29.09.2025 (Annexure P-2) passed in appeal no. CRA No. 337 of 2025 titled as '*Kshetriya Shree Gandhi Ashram Trust Vs. Haryana Khadi Gramodyog Sangh*' preferred against the judgment dated 27.08.2025 rendered in criminal complaint no. NACT/681/2019 dated 01.04.2019 titled as '*Haryana Khadi Gramodyog Sangh Vs. 'Kshetriya Shree Gandhi Ashram Trust*' vide which the petitioner was directed to deposit 20% of the compensation amount awarded before the Id. trial court within 60 days from the date of the order.

2. Vide judgment of conviction and quantum of sentence dated 27.08.2025 passed by learned Judicial Magistrate Ist Class, Panipat, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months, for commission of offence punishable under Section



138 read with Section 141 of NI Act, to pay compensation to the tune of Rs.15,00,000/- to the complainant. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and quantum of sentence before the learned Addl. Sessions Judge, Panipat. The learned Appellate Court, vide order dated 29.09.2025, suspended the sentence of the petitioner subject to furnishing bail bonds in the sum of Rs.2,00,000/- with one surety in the like amount and also subject to the condition of depositing 20% of the compensation amount by the petitioner in the learned trial Court within 60 days.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not in a position to deposit 20% of the compensation amount due to his financial hardship. It has been further contended 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 a 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’s case (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 the compensation amount.

5. Having heard learned counsel for the petitioner and after perusing the judgment passed in ***Jamboo Bhandari’s case (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% of the compensation amount.

6. Consequently, the impugned order dated 29.09.2025 (Annexure P-2) is hereby set aside to the extent of imposing the condition of depositing 20% of compensation amount and issuance of non-bailable warrants, if any, on account of non compliance of condition. The learned lower Appellate Court concerned 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 concerned 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.

9. All pending miscellaneous application(s), if any, stands disposed of.

11.05.2026

Anu

(MANDEEP PANNU)
JUDGE

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