SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2419/2026 Chaman Das --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. S.K. Mandal, Advocate for the applicant. Mr. Pradeep Lohani, A.G.A. for the State of Uttarakhand. 2. This Criminal Miscellaneous Application has been filed by the applicant seeking quashing of the orders dated 17.07.2026 and 22.09.2026 passed by the learned Sessions Judge, Haridwar, in Criminal Appeal No.116 of 2026. 3. Facts of the case, in brief, are that the applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 vide judgment and order dated 28.07.2025 passed by learned Additional Chief Judicial Magistrate, Haridwar, in Criminal Case No.3356 of 2024. The applicant was sentenced to undergo rigorous imprisonment for a period of six months and was further directed to pay a fine of ₹9,50,000/-. Out of the aforesaid amount, ₹9,30,000/- was directed to be paid to respondent no.2 towards compensation, while the remaining amount of ₹20,000/- was directed to be deposited in the State Treasury. In default of payment of fine, the applicant was directed to undergo additional simple imprisonment for a period of one month.

			4. Aggrieved by the aforesaid judgment and order of conviction, the applicant preferred Criminal Appeal No.116 of 2026 before the learned Sessions Judge, Haridwar, along with an application seeking suspension of sentence and grant of bail. Learned Sessions Judge, vide order dated 15.06.2026 granted bail to the applicant. Thereafter, on 17.07.2026, learned Sessions Judge directed the applicant to deposit 20% of the fine amount before the learned trial Court within a period of 30 days. Thereafter, the applicant moved an application seeking modification of the aforesaid condition on the ground that he was unable to arrange the requisite amount and prayed that the amount of deposit be reduced to 10% and that one month's further time be granted for depositing the same. Learned Sessions Judge, vide order dated 24.08.2026, allowed the said application and reduced the amount of deposit from 20% to 10%. It is the case of the applicant that, owing to his financial inability, he could not deposit even the reduced amount within the stipulated period. Consequently, he moved another application seeking extension of one month's time to deposit the amount. However, learned Sessions Judge, vide order dated 22.09.2026, rejected the said application and cancelled the bail granted to the applicant. 5. Learned counsel for the applicant submits that Section 148 of the N.I. Act empowers the Appellate Court to direct an appellant, who has been convicted for an offence under Section 138 of the N.I. Act, to deposit an amount which shall not be less than 20% of the fine or compensation awarded by the learned trial Court. He submits that, once the Appellate Court decides to impose a condition of deposit under the aforesaid provision, it cannot reduce the amount below the statutory minimum of 20%. 6. Learned counsel further submits that the applicant had not deliberately disobeyed the condition imposed by the Appellate Court

			but was unable to comply with the same on account of financial constraints. He submits that the learned Appellate Court, without properly considering the circumstances pleaded by the applicant, rejected his prayer for extension of time and cancelled the bail already granted to him. Learned counsel for the applicant submits that Hon'ble Supreme Court in Muskan Enterprises and Another v. The State of Punjab and Another, reported in (2024) 20 SCC 85, has considered the scope of the Appellate Court's power under Section 148 of the N.I. Act and observed that, once the Appellate Court considers a deposit necessary, it may, in an appropriate case, direct the appellant to deposit an amount exceeding 20% of the fine or compensation awarded by the trial Court, therefore, the impugned order deserves to be set aside. 7. In view of the aforesaid legal position, the impugned orders dated 17.07.2026 and 22.09.2026, passed by learned Sessions Judge, Haridwar, cannot be sustained and are liable to be set aside. 8. Accordingly, the impugned orders dated 17.07.2026 and 22.09.2026 passed by the learned Sessions Judge, Haridwar, in Criminal Appeal No.116 of 2026, are hereby set aside. 9. The criminal misc. application is, accordingly, disposed of. **(Alok Mahra, J.)** 31.10.2026 *Arpan*

ARPAN JAISWAL

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