

M/s Annapurna Enterprises and another Vs M/s Prem Chand Sunil Goyal

Present: Shri Jagdish Sharma, Advocate counsel for appellant.

Criminal appeal received by entrustment. It be checked and registered. Heard. Since there are arguable points involved, the appeal is admitted subject to just exceptions. Alongwith the main appeal an application for suspension of sentence of imprisonment and releasing the applicant on bail during the pendency of the appeal has been filed. The said applications be registered as CrI. Misc. applications.

Heard. Appellant/accused has been convicted and sentenced for the offence under Section 138 of Negotiable Instrument Act vide judgement dated 8.5.2023. The appellant has been sentenced to undergo imprisonment for a period of six months, as detailed in the judgment. As the disposal of the appeal is likely to take time, hence the sentence of imprisonment awarded to the appellant/accused is suspended till the decision of the appeal, subject to subject to furnishing of the bail bonds in the sum of ₹75,000/- with one surety in the like amount to the satisfaction of trial court/Duty Magistrate within a period of 15 days from today. Accused is directed to appear before the court on each and every date of hearing. Bail bonds etc. after acceptance and attestation shall be transmitted to this court.

Perusal of judgment further reveals that the learned trial court has further directed the accused to pay compensation of the amount equivalent to the cheque amount i.e. Rs.2,00,000/-, as detailed in the judgment. Therefore in the light of amended provision of Section 148 of Negotiable Instrument Act and the judgment of Hon'ble Supreme Court of India in Criminal Appeal Nos.917-944 of 2019 (arising out of SLP

(Criminal) Nos.4948-2975/2019 Surinder Singh Deswal @ Col. S.S.Deswal Vs. Virender Gandhi" decided on 29.5.2019 the appellant is directed to deposit 20% amount of compensation i.e. awarded by learned Trial Court before the learned trial court/Duty Magistrate, within sixty days from today.

If the accused fails to pay 20% of the total compensation amount within the stipulated period, the order of suspension shall automatically stands vacated.

Notice of appeal as well as application be issued to the respondent for 16.10.2023. Copy of this order be send to the trial court/Duty Magistrate for compliance.

Date of Order:26.5.2023  
Gurnam Singh, Stgr. Gr-II

Poonam Bansal (PB0190)  
Additional Sessions Judge  
Patiala