

Ujaggar Singh Vs. The Bathinda Central Co-operative Bank

CNR No.PBBT01-004932-2019

CIS No.CRA-136/2019

7.3.2019 Present: Appellant on bail with counsel Sh.Satpal Singh.

Appeal put up today. It be registered. Heard. There are arguable points in this appeal, therefore, the same is admitted for hearing.

Along with the appeal, an application under section 389 of the Code of Criminal Procedure has also been filed so as to admit the appellant to bail during the pendency of the appeal and to suspend his sentence till the disposal of appeal. Heard. The accused-appellant has been convicted under Section 138 of Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of one year & six months and to pay compensation to the tune of cheque amount i.e. Rs.2,30,800/- alongwith interest @ 9% p.a. Accused was on bail at the time of decision of the case by the learned trial court. Trial court has also suspended his sentence enabling him to prefer appeal. Disposal of appeal will take time. Keeping in view these facts, sentence of imprisonment awarded to the accused-appellant is suspended subject to his furnishing bail bonds to the tune of Rs.50,000/- with one surety in the like amount, within 10 days from the date of order to the satisfaction of Illaqa/Duty Magistrate. Further, as per Section 148 of Negotiable Instruments Amended Act 2018, appellant is directed to deposit 20% of the compensation amount awarded by trial court, in this court within 60 days from today as provided under Section 148(2) of Negotiable Instruments Act. If this 20% amount is deposited by the appellant, it be deposited in some nationalized bank in the shape of FDR in the name of Court, which will be reimbursed to complainant-respondent, as per the decision of this appeal. Notice of appeal be issued to the respondent-complainant for 12.4.2019. Record of the lower court be also requisitioned for the date fixed. Copy of this order be sent to Illaqa Magistrate for compliance.

(Kamaljit Lamba)
Sessions Judge.
(UID No.PB0055)

Date of order: 7.3.2019
Nisha