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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:030417



CRM-M-12015-2025

Date of Decision:04.03.2025

RAJIV KOTHARI @ RAJEEV KOTHARI

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balwinder Singh Sangwan, Advocate
for the petitioner.

Mr. B.S. Virk, Senior DAG, Haryana.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita 2023 for setting aside order dated 12.11.2024 passed by Additional Sessions Judge, Faridabad, Annexure P-3, to the extent that the application for suspension of sentence filed by the petitioner was allowed subject to the condition of depositing 20% of the compensation amount as awarded by Ld. JMIC Faridabad in case bearing no. NACT no. 2260 of 2019 titled as M/s Newgen v. Rajiv Kothari, in interest of justice.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of *Jambo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.*”, decided on 04.09.2023.



Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

(SANDEEP MOUDGIL)
JUDGE

04.03.2025

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