



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

**207**

**CRM-M No.9341 of 2025 (O&M)  
Date of Decision: 25.08.2025**

**Brijesh Kumar @ Birjesh Kumar**

**.....Petitioner**

**Versus**

**M/s Khola Trading Company**

**..... Respondent**

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Rahul Sangwan, Advocate for  
Mr. Parshant Singh Chauhan, Advocate for the petitioner.

**SURYA PARTAP SINGH, J. (Oral):**

The present revision petition has been filed by the petitioner against the order dated 07.07.2022 passed by the learned Additional Sessions Judge, Rewari (hereinafter referred to as 'Appellate Court'), whereby the application for suspension of sentence, moved by the petitioner, has been allowed and the sentence awarded to the petitioner has been suspended, but subject to the condition of furnishing bonds in the sum of Rs.50,000/-. Surety bonds have already been furnished. The petitioner has also been directed to deposit of 20% of the fine/compensation imposed by learned trial Court on the next date of hearing. The petitioner is aggrieved of the condition imposed by learned Appellate Court with regard to deposit of 20% of condition.

2. The record reveals that the petitioner faced a trial in a complaint case titled as 'M/s Khola Trading Company Vs. Brijesh Kumar' for the offence under Section 138 of Negotiable Instruments Act, 1881 and the



abovementioned trial culminated into conviction of the petitioner. The learned trial Court sentenced the petitioner to undergo simple imprisonment for a period of one and half year (18 months) for commission of aforesaid offence and pay compensation of Rs.27,00,000/- within a period of two months from today.

3. Aggrieved of the abovementioned order, when the petitioner filed an appeal in the learned Appellate Court, the learned Appellate Court by virtue of impugned order dated 07.07.2022, suspended the sentence awarded to the petitioner as detailed above.

4. Heard.

5. Learned counsel for the petitioner contends that the learned Appellate Court, while imposing the abovementioned condition, did not give any opportunity to the petitioner to explain his hardship and that without giving an opportunity of being heard, the abovementioned harsh condition has been imposed. According to learned counsel for the petitioner, the learned Appellate Court has failed to appreciate that the learned trial Court has committed a grave error when against a cheque amount of Rs.27,00,000/-, it directed to pay compensation of Rs.27,00,000/- which in no way, can be termed to be justified.

6. While referring to the principles of law laid down by the Hon'ble Supreme Court in a case of '*Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others*', learned counsel for the petitioner has contended that the learned Appellate Court was duty bound to give an opportunity to the petitioner to explain the circumstances and pass a reasonable order with regard to deposit of compensation or any



part thereof. According to learned counsel for the petitioner, since any opportunity of being heard was not afforded to the petitioner, by the learned Appellate Court, the instant case may be remanded back to the learned Appellate Court for passing a fresh order after hearing the petitioner.

6. I have perused the record carefully.

7. A perusal of record shows that in this case, against the cheque amount of Rs.27,00,000/-, the compensation awarded by the learned trial Court is Rs.27,00,000/-. If the condition imposed by the learned Appellate Court, i.e. deposit of 20% of amount of compensation, is to be complied with, it may create hardship for the petitioner. In addition to above, it is also relevant to note that the abovesaid order has been passed without giving an opportunity of being heard to the petitioner.

8. Without issuing any notice to the respondent, lest it may delay the proceedings, the present petition is accepted. The impugned order is set aside. The learned Appellate Court is directed to pass a fresh order in the light of the law explained by the Hon'ble Supreme Court in *Jamboo Bhandari's* case (*supra*).

9. Since this order has been passed in the absence of the respondent, the respondent will be at liberty to approach this Court, in case he is aggrieved by this order.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**25.08.2025**

*Manoj Bhutani*

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