

CIVIL COURT CASES

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2019(3) CIVIL COURT CASES 001 (S.C.)

SUPREME COURT OF INDIA

M.R.SHAH & A.S.BOPANNA, JJ.

Criminal Appeal Nos.917-944 of 2019 (Arising out of SLP(Criminal) Nos.4948-4975 of 2019), D/29.05.2019.

Surinder Singh Deswal @ Col.S.S.Deswal & Ors.

Vs

Virender Gandhi

(i) Negotiable Instruments Act, 1881, S.148 (As amended) — Dishonour of cheque - Amendment of provision of S.148 by Act 20 of 2018 coming into force on 01.09.2018 - Such amended provision is applicable to a complaint u/s 138 of the Act filed even prior to coming into force of the amended provision. (Para 8.1)

(ii) Negotiable Instruments Act, 1881, S.148 (As amended), Criminal Procedure Code, 1973, Ss.357(2), 389 — Dishonour of cheque - Suspension of sentence during pendency of appeal - Appellate Court can order to deposit such sum pending appeal which shall be a minimum of 20% of the fine or compensation awarded by the trial Court irrespective of the provision of S.357(2) Cr.P.C. as the amended provision of S.148 of NI Act reads “Notwithstanding anything contained in the Code of Criminal Procedure.....” - In the instant case order to pay 25% of the amount of fine/compensation, upheld. (Para 10)

Cases referred:

Dilip S.Dhanukar v. Kotak Mahindra Bank, 2007(2) Apex Court Judgments 387 (S.C.) : 2007(3) Civil Court Cases 113 (S.C.) (Para 5.7)

JUDGMENT

M.R.Shah, J. - Leave granted.