

**CA Nos. 259/23, 260/23, 261/23, 262/23, 263/23 & 264/23
Adarsh Behl (Sr. Citizen) Vs. The State & Anr.**

01.11.2023

Present : Appellant in JC with Ld. Counsel Sh. Luqman S.
Hasan.

Sh. G.G. Singh, Ld. Counsel for respondent no.2.

The statement of appellant Sh. Adarsh Behl recorded
on SA.

Ld. Counsel for the appellant submits that the appellant is behind bar for the last 4 months in this matter as well as other similar matters. He submits that as per recent judgments of the Hon'ble Apex Court in *Criminal Appeal No(s)2741 of 2023* titled “**Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. & Ors.**”, decided on 04.09.2023, the Hon'ble Apex Court has observed that if the Appellate Court is satisfied that appellant is not in a position to deposit 20% of the compensation amount, it will be unjust if such condition is imposed.

On the other hand, Ld. Counsel for the respondent submits that as per settled law, it is mandatory for the appellant under Section 148 NI Act to deposit at least 20% of the compensation amount and same is not discretionary. In support of his submissions, the Ld. Counsel has relied upon the decision of the Hon'ble Apex Court in Criminal Appeal Nos. 1936-1963 of 2019, case titled “**Surinder Singh Deswal Vs. Virender Gandhi**

& Anr” with date of decision as 08.01.2020.

During the course of the arguments, Ld. Counsel for the respondent submits that appellant has filed his bank account statement of Bank of Baroda (formerly known as Union of India) and he has apprehension that appellant has other bank accounts and he needs time to consult his client in this regard.

Keeping in view the age of the appellant and the other facts and circumstances, put up for further proceedings on **03.11.2023 at 2.00 pm.**

(Sanjay Garg-I)

Principal District & Sessions Judge

New Delhi District

Patiala House Courts/ND/01.11.2023 (d)