

CA 280/2025

MEENAKSHI SHARMA Vs. THE RIDHI SIDHI CO-
OPERATIVE, URBAN THRIFT AND CREDIT SOCIETY LTD.

22.08.2025

Present : Proxy counsel for th appellant. (through VC)
Appellant in person.

1. Criminal Appeal u/s 374 Cr.P.C. BNSS has been filed on behalf of appellant against the impugned judgment and order on sentence dated 07.04.2025 and 28.05.2025 respectively, passed by Ld. JMFC (NI ACT-01), SED, Saket Courts, New Delhi, in complaint case no. 740/2018.

2. An application u/s 389 Cr.P.C. for suspension of sentence of order on sentence and releasing the appellant on bail till pendency of appeal is also on record.

3. Submissions heard on the present application.

4. Record perused.

5. At this juncture it would be apt to peruse the following extracts of **Colonel SS Deswal Vs. Virender Gandhi(2019) 11 SCC 341**:

“Now so far as the submission on behalf of the appellants that even considering the language used in Section 148 of the NI Act as amended, the Appellate Court “may” order the appellant to deposit such sum which shall be a minimum of 20% of the fine or compensation awarded by the Trial Court and the word used is not “shall” and therefore the discretion is vested with the first Appellate Court to direct the appellant/accused to deposit such sum and the Appellate Court has construed it as mandatory, which according to the Ld.

Senior Advocate for the appellants would be contrary to the provisions of Section 148 of the NI Act as amended is concerned, considering the amended Section 148 of NI Act as a whole to be read with the Statement of Objects and Reasons of the amending Section 148 of the NI Act, though it is true that in the amended Section 148 of the NI Act, the word used is “may”, it is generally to be construed as a “rule” or “shall” and not to direct to deposit by the Appellate Court is an exception for which special reasons are to be assigned. Therefore amended Section 148 of the NI Act confers power upon the Appellate Court to pass an order pending appeal to direct the appellant/accused to deposit the sum which shall not be less than 20% of the fine/compensation either on an application filed by the original complainant or even on the application filed by the appellant/accused u/s 389 Cr.PC to suspend the sentence”.

6. Thus, impugned judgment dated 07.04.2025 and order on sentence dated 28.05.2025 shall remain stayed till the pendency of present Criminal Appeal, subject to depositing of 20% of the compensation/fine amount to respondent within 60 days from today.

7. Appellant is hereby admitted to bail, upon his furnishing personal bond with surety bond of Rs. 25,000/-.

8. Accordingly, the application u/s 389 Cr.P.C. for suspension of order on sentence and releasing the appellant on bail till pendency of appeal is hereby disposed of.

9. Copy of this order be sent to Ld. Trial Court for information and compliance.

10. **Issue notice of this appeal to the respondent**

through all permitted modes including whatsapp & e-mail on filing of PF/RC & AD, etc., for 17.12.2025.

11. At this stage, Proxy counsel for the appellant submitted that the appellant may be given two weeks' time to deposit the said 20% of the compensation/fine amount to respondent.

12. Heard. Allowed.

13. Appellant is directed to deposit the said 20% of the compensation/fine amount to respondent within two weeks from today.

**(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /22.08.2025**