
(2025) 12 SHI CK 0011
Himachal Pradesh HC
Case No: CR. MMO NO. 1107 Of 2025

M/S Maa Vande Matram And
Another

APPELLANT

Vs

M/S Bhagwati Plywood

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Negotiable Instruments Act, 1881-Section 138, 148
- Code Of Criminal Procedure, 1973-Section 482
- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 528

Hon'ble Judges: Rakesh Kainthla, J

Bench: Single Bench

Advocate: Yuyutsu Singh Thakur

Final Decision: Dismissed

Judgement

Rakesh Kainthla, J

1. The petitioner has filed the present petition for seeking extension of time granted by the learned Additional Sessions Judge-II, Solan, District Solan, HP, (learned Appellate Court) vide order dated 18.7.2025. It has been asserted that the applicant was convicted by the learned Trial Court for the commission of an offence punishable under Section 138 of the Negotiable Instruments Act (NI Act) and was sentenced to undergo simple imprisonment for six months and pay compensation of ₹4.00 lacs.

The applicant filed an appeal, and the learned Appellate Court suspended the execution of the sentence vide order dated 18.7.2025, subject to the deposit of 20% of the compensation amount. The amount could not be deposited. An application for extension was dismissed by the learned Appellate Court. Hence the petition.

2. Mr. Yuyutsu Singh Thakur, learned counsel for the applicant, submitted that the applicant could not deposit the amount due to the circumstances beyond his control. Therefore, he prayed that the application be allowed and the time to deposit the compensation amount be extended. He relied upon the judgment of the coordinate bench of this Court titled Sanjeev Kumar v. Satish Kumar Cr.MMO No. 60 of 2024, decided on 24.1.2024 in support of his submission.

3. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

4. It was held by this Court in *Surinder Singh v. Dharam Singh and another*, Cr. MMO No. 1179 of 2023, decided on 14.12.2023, that the 90 days' time prescribed in Section 148 is mandatory and the Court does not have the jurisdiction to extend it beyond 90 days by taking recourse to Section 482 of Cr.P.C. (corresponding to Section 528 of Bharatiya Nagrik Suraksha Sanhita) as this jurisdiction cannot be exercised to defeat the provision of law. This Court subsequently referred the question to the Larger Bench in *Dharmender Singh v Pradeep Kumar* Cr.MMO No. 1278 of 2023, decided on 12.01.2024, and the Hon'ble Division Bench held that the exercise of discretion by a Co-ordinate Bench without deciding the question of law was not an inconsistent decision requiring the resolution by the Larger Bench.

5. In view of the above judgment of the Division Bench in *Sanjeev Kumar (supra)*, the discretion exercised will not bind this Court, and no advantage can be derived from the cited judgment.

6. Learned Appellate Court had passed an order for suspension of sentence on 18.7.2025, and the period of three months expired on 17.10.2025. Therefore, this time cannot be extended by this Court. Hence, the present petition fails, and it is dismissed. It is hoped and expected that the learned Appellate Court will decide the appeal expeditiously.

7. The observations made heretofore shall remain confined to the disposal of the present petition and will have no bearing, whatsoever, on the merits of the case.