



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 3693/2026

CNR: RJHC020550342026 | URN: CRLMP / 8181U / 2026

1. A.L.D. Infratech Pvt. Ltd., Plot No. 59, Second Floor, Sector-18, Gurugram, Haryana Through Authorized Representative Deepak Kumar.
2. Deepak Kumar S/o Upender Kumar Sharma, R/o B-Tech Anand Park View, Sector-81, Gurugram, Haryana, At Present B-393, Antriksh Apartment, Sector-83, Gurugram, Haryana.

-----Petitioners

Versus

Baljeet Singh S/o Kaluram, R/o House No. 224/02, Adarsh Nagar, New Railway Station Road, Gurugram, Haryana.

-----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 3696/2026

CNR: RJHC020550352026 | URN: CRLMP / 8188U / 2026

1. A.L.D. Infratech Pvt. Ltd., Plot No. 59, Second Floor, Sector-18, Gurugram, Haryana Through Authorized Representative Deepak Kumar.
2. Deepak Kumar S/o Upender Kumar Sharma, R/o B-Tech Anand Park View, Sector-81, Gurugram, Haryana, At Present B-393, Antriksh Apartment, Sector-83, Gurugram, Haryana.

-----Petitioners

Versus

Baljeet Singh S/o Kaluram, R/o House No. 224/02, Adarsh Nagar, New Railway Station Road, Gurugram, Haryana.

-----Respondent

S.B. Criminal Miscellaneous (Petition) No. 3707/2026

CNR: RJHC020550322026 | URN: CRLMP / 8203U / 2026

1. A.L.D. Infratech Pvt. Ltd., Plot No. 59, Second Floor, Sector-18, Gurugram, Haryana Through Authorized Representative Deepak Kumar.
2. Deepak Kumar S/o Upender Kumar Sharma, R/o B-Tech Anand Park View, Sector-81, Gurugram, Haryana, At Present B-393, Antriksh Apartment, Sector-83, Gurugram, Haryana.

-----Petitioners

Versus

Baljeet Singh S/o Kaluram, R/o House No. 224/02, Adarsh Nagar, New Railway Station Road, Gurugram, Haryana.



----Respondent

S.B. Criminal Miscellaneous (Petition) No. 3708/2026

CNR: RJHC020550362026 | URN: CRLMP / 8204U / 2026

1. A.L.D. Infratech Pvt. Ltd., Plot No. 59, Second Floor, Sector-18, Gurugram, Haryana Through Authorized Representative Deepak Kumar.
2. Deepak Kumar S/o Upender Kumar Sharma, R/o B-Tech Anand Park View, Sector-81, Gurugram, Haryana, At Present B-393, Antriksh Apartment, Sector-83, Gurugram, Haryana.

----Petitioners

Versus

Baljeet Singh S/o Kaluram, R/o House No. 224/02, Adarsh Nagar, New Railway Station Road, Gurugram, Haryana.

----Respondent

For Petitioner(s)	:	Mr. Rajeev Surana, Sr. Adv. with Mr. Anuj K. Saxena, Adv. Mr. Tushar Panwar, Adv. Ms. Muskan Verma, Adv. Mr. Harsh Saxena, Adv. Mr. Rohit Mahrda, Adv. Mr. Satish K. Gurjar, Adv.
For Respondent(s)	:	Mr. Ashvin Garg, Adv. Mr. Anutosh Mishra, Adv. Mr. Ashish Sharma, Adv. Mr. N.S. Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

REPORTABLE

25/09/2026

1. The present batch of petitions arise out of same set of transactions between the parties and involve similar questions of fact and law therefore, they are being heard and decided by this common order. For the sake of convenience, the facts of the case are being taken from S.B. Criminal Misc. Petition No.3693/2026.



2. The relevant particulars of these petitions are tabulated hereinbelow:

S.No	Petition No.	Criminal Case No.	Amount of Compensation	20% of Amount
1.	3693/2026	28/2026	Rs.3,05,30,000/-	Rs.61,06,000/-
2.	3696/2026	27/2026	Rs.2,84,00,000/-	Rs.56,80,000/-
3.	3707/2026	29/2026	Rs.2,84,00,000/-	Rs.56,80,000/-
4.	3708/2026	26/2026	Rs.2,84,00,000/-	Rs.56,80,000/-

3. By way of these petitions preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, '**BNSS**'), petitioners have assailed the orders dated 01.05.2026 passed by the learned Additional District & Sessions Judge No.2, Behror, District Kotputli-Behror (for brevity, '**Appellate Court**') whereby, while considering the applications preferred by the respondent-complainant under Section 148 of the Negotiable Instrument Act, 1881 (for brevity, '**NI Act**') in the respective Criminal Appeals preferred by the petitioners against their conviction under Section 138 of the NI Act, the learned Appellate Court has directed the petitioners to deposit 20% of the compensation awarded by the learned Trial Court.

Factual Matrix:

4. Briefly stated, the petitioner No.1: A.L.D. Infratech Pvt. Ltd., is a Private Company and petitioner No.2: Deepak Kumar is the Director of the company. The respondent: Baljeet Singh is the complainant in the proceedings instituted under Section 138 of the NI Act. The case of the petitioners is that the parties had



longstanding business and commercial relations in connection with various real-estate and project-development transactions and a Memorandum of Understanding ('MOU') dated 06.10.2016 was executed between the parties in relation to development of the 'Royal Square' Commercial Project situated at Neemrana and during the course of commercial dealings, certain cheques were handed over to the respondent as security instruments in connection with the proposed project financing, development obligations and property transactions between the parties.

4.1. Thereafter, the respondent instituted multiple complaints under Section 138 of the NI Act alleging dishonour of the said cheques and the learned Additional Chief Judicial Magistrate No.3, Behror, District Alwar (for brevity, '**trial Court**') convicted and sentenced the petitioner to simple imprisonment for a period of one year and also awarded compensation of Rs.3,05,30,000/-. The compensation awarded in all four connected cases collectively amounts to Rs.11,57,30,000/-. Aggrieved by the same, the petitioners preferred Criminal Appeals before the learned Appellate Court along with applications seeking suspension of sentence and during pendency of the appeals, the respondent-complainant moved an application under Section 148 of the NI Act seeking direction for deposit of 20% of the compensation amount.

4.2. The learned Appellate Court, vide the impugned orders dated 01.05.2026, directed the petitioners to deposit 20% of the compensation amount in the respective appeals within the stipulated period. Aggrieved by the same, the petitioners have



preferred these petitions under Section 528 of the BNSS, challenging the legality of the aforesaid orders.

Submissions on Behalf of Petitioners:

5. Learned Senior counsel appearing on behalf of the petitioners submits that the impugned orders have been passed in a wholly mechanical and routine manner without examining the peculiar facts and circumstances of the case. Counsel submits that although Section 148 of the NI Act ordinarily contemplates deposit of a minimum of 20% of the fine, the statutory provision employs the expression 'may' thereby preserving judicial discretion with the Appellate Court.

5.1. Learned counsel submits that such discretion is required to be exercised judicially and on sound principles and cannot be reduced to a mechanical direction that in each case arising under Section 138 of the NI Act, 20% of the compensation must necessarily be deposited. In this regard, reliance has been placed upon the judgment of **Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. & Ors., (2023) 10 SCC 446** and **Muskan Enterprises & Anr. vs. The State of Punjab & Anr., 2024 INSC 1046**, wherein the Hon'ble Supreme Court held that normally the Appellate Court would be justified in imposing the condition of deposit contemplated under Section 148 of NI Act; however, where the Appellate Court is satisfied that such condition would be unjust or would amount to deprivation of the right of appeal, an exception can be made and the reasons for such exception are required to be specifically recorded.



5.2. Learned counsel further submits that the impugned orders merely reproduce the statutory requirement and direct deposit of the amount without recording any satisfaction regarding the exceptional circumstances pleaded by the petitioners. Counsel submits that the four connected appeals involve an aggregate compensation amount of Rs.11,57,30,000/- and the cumulative amount directed to be deposited is more than Rs.2,31,46,000/-. It is contended that the financial burden imposed upon the petitioners is exceptionally onerous and that the learned Appellate Court has not considered whether the petitioners possessed the financial capacity to arrange such an amount within the prescribed period.

5.3. Learned counsel has also referred to the statement of petitioner No.2 (DW-1) recorded during the course of trial and submitted that the testimony discloses the nature of the transactions between the parties and specifically disputes the alleged cash loan of Rs.8.15 Crore. Counsel submits that the said material could not have been completely ignored while considering whether the imposition of the statutory deposit condition would operate harshly in the facts of the case.

5.4. Learned counsel further submits that the Negotiable Instruments (Amendment) Act, 2018 (for brevity, '**Amendment Act 2018**') by virtue of which Sections 143-A and 148 came to be incorporated in the NI Act, 1881 has subsequently been repealed by the Repealing and Amending Act, 2025 (Act No.37 of 2025) (for brevity, '**Repealing & Amending Act 2025**') with effect from 20.12.2025 and consequent upon the aforesaid repeal, the



provisions contained in Sections 143-A and 148 are no longer in force. Learned counsel submits that the Courts are required to give due regard to the legislative change brought by the Repealing and Amending Act, 2025. In this regard, reliance was placed upon the order passed by the Co-ordinate Bench of this Court in the case of **Om Prakash Suthar vs. State of Rajasthan & Ors., S.B. Criminal Miscellaneous (Petition) No.2618/2026** decided on 19.05.2026.

5.5. It is further submitted that the impugned orders have been passed on 01.05.2026, i.e. subsequent to the repeal of the Amendment Act 2018 and therefore, the learned Appellate Court could not have invoked Section 148 of the NI Act for directing the petitioners to deposit 20% of the amount of compensation and the same suffer from a fundamental error of law and deserve to be set aside. Therefore, it is submitted that the impugned orders dated 01.05.2026 deserve to be quashed and set aside in view of the judgment passed by the Hon'ble Supreme Court in **Jamboo Bhandari** (supra) and in light of the subsequent change brought by the Repealing and Amending Act 2025.

Submissions on Behalf of Respondents:

6. Per contra, learned counsel appearing for the respondent-complainant opposed the arguments made by counsel for the petitioners and supported the orders passed by the learned Appellate Court. Counsel submits that the petitioners have been convicted in the complaints instituted under Section 138 of the NI Act and therefore, while considering their prayer for suspension of



sentence during pendency of the appeals, the learned Appellate Court was justified in directing deposit of 20% of the compensation amount in terms of Section 148 of the NI Act.

6.1. Counsel submits that the requirement contemplated under Section 148 of the NI Act is intended to safeguard the interest of the complainant and to prevent delay in realization of the amount awarded by the trial Court after conviction. Counsel submits that the petitioners cannot seek to avoid the statutory condition merely by raising disputed questions concerning the underlying transaction, which are matters to be considered in the pending appeals.

6.2. Learned counsel further submits that the judgment in **Jamboo Bhandari** (supra) does not lay down that the condition of deposit under Section 148 of the NI Act is to be dispensed with as a matter of course, rather, the normal rule continues to be that the Appellate Court would be justified in imposing the condition of deposit and an exception can be made only in appropriate circumstances.

7. Heard learned counsel for the parties and perused the material available on record including the impugned orders.

8. At the outset, this Court deems it appropriate to adjudicate the principal issue arising for consideration in the present batch of petitions namely: enforceability and applicability of Section 148 of the NI Act in view of the Repealing & Amending Act 2025, whereby the Amendment Act 2018, introducing Sections 143-A and 148 in the parent Act, has been repealed. The said issue goes

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Union of India, (2024) 14 SCC 667, wherein the Hon'ble Supreme Court, while relying upon the case of **Jethanand Betab vs. State of Delhi, 1959 SCC OnLine SC 109**, held that the provision inserted in the parent Act continued to remain on the statute book even after repeal of the Amending Act. The relevant portion of the judgment is reproduced herein for ready reference:-

"**30.** Section 4 of the Repealing and Amendment Act states that the repeal shall not affect any of the enactment in which the repealed enactment has been applied, incorporated or referred to. It also states that the Repealing Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, etc.

31. This Court in **Jethanand Betab v. State of Delhi, 1959 SCC OnLine SC 109 : (1960) 1 SCR 755 : AIR 1960 SC 89** had examined a similar provision of the Repealing and Amendment Act, 1952, whereby the Indian Wireless Telegraph (Amendment) Act, 1949 was repealed in its entirety. Reference was made to the decision of the Judicial Committee in Secy. of State for India in Council v. Hindustan Coop. Insurance Society Ltd., 1931 SCC OnLine PC 37: (1930-31) 58 IA 259 and the principle that, **where the repealing Act states that the enactment thereof shall not affect any act in which the enactment has been applied, incorporated or referred to, means that there is an independent existence of the two Acts and, therefore, even on the death of the amending Act, its offspring survives in the incorporating act.** This Court also referred to Halsbury's Law of England on the said aspect and the decision of the Calcutta High Court in **Khuda Bux v. Caledonian Press, 1954 SCC OnLine Cal 132 : AIR 1954 Cal 484.**"

(emphasis supplied)



9.2. Furthermore, the Division Bench of the Hon'ble Bombay High Court in the case of **K.K. Vasudeva Kurup vs. Union of India, 2002 SCC OnLine Bom 552**, dealt with the repeal of the Banking, Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988 which had inserted Sections 138 to 142 in the NI Act. The Court while relying upon the judgment of **Jethanand Betab** (supra) held that once the amendment had been brought into force, it had already become part of the Original Act and the subsequent repeal of the Amending Act did not affect the amendment. The relevant portion is reproduced hereunder:

"The precise question before the court was as to what would be the legal position of the amendment made in the original Act by the Amending Act which was subsequently repealed.

In our considered opinion, the ratio laid down in **Jethanand Betab (supra)** directly covers the case on hand and answers the question raised before us by the petitioner. **To us, it is clear that once an amendment was made in 1881 Act by the Amending Act of 1988 and it had been brought into force, it has served its purpose and amended the original Act. Its object was to plant necessary amendment in the 1881 Act. Once such planting has been effected, the Amending Act (Planting Act), having achieved its object, lost its efficacy.** It was thereafter not necessary to continue the Amending Act in a statute book. **There are several such Amending Acts under which amendments have been made in original Acts. Once the plant takes root in the original Act, an appropriate step is required to be taken by the Legislature. If no action is taken, hundreds and thousands of such amending acts continue to remain in statute books.** A device is, therefore, adopted by the Legislature to repeal all such Amending Acts, which would repeal only those Acts, i.e. Amending Acts.



But such repeal does not affect original Acts which already stood amended. As observed in Clarke v. Bradlough (1881) 1 QBD 63, **"Where a statute is incorporated, by reference, into a second statute, the repeal of the first statute by a third does not affect the second."**

In our view, therefore, the contention of the petitioner is not well-founded and cannot be upheld. **The amendment made in the original Act of 1881 by the Amending Act of 1988 remains in force and the repeal of the Amending Act in 2001 has not affected the amendment. The contention is, hence, rejected."**

(emphasis supplied)

9.3. Similarly, the Hon'ble High Court of Allahabad in **Vijaypal & Ors. vs. Union of India & Ors., 2020 SCC OnLine All 2629**, while considering the effect of repeal of the Railways (Amendment) Act 2008, whereby Chapter IV-A comprising Sections 20A to 20P was incorporated in the principal enactment, i.e. the Railways Act 1989, by the Repealing and Amending Act, 2016 (Act No.23 of 2016), held as under:

"9. The principles laid down by Hon'ble Supreme Court in Jethanand Betab (supra) and by this court in Mohd. Junaid Azad (supra) and reading of the Repealing Amendment Act, 2016 make it clear that the main object of the Repealing Amendment Act, 2016 was only to expurgate the Amendment Act 2008 along with similar Acts, which had served its purpose. Once the provisions of the amending legislation, i.e. the Amendment Act, 2008 had been brought into force and the amendments have been incorporated in the principal Act, i.e. the Railways Act, 1989, the subsequent repeal of the amending legislation by the Repealing Amendment Act 2016 would not affect the amendments which had already been effected. Thus, the first submission of learned counsel for the petitioners that Section 20A and 20E are not available after the Repealing Amending Act, 2016, is legally incorrect and baseless.





Therefore, the first submission of the learned counsel for the petitioners is rejected.”

(emphasis supplied)

9.4. The above position is further fortified by Section 6-A of the General Clauses Act, 1897, which specifically deals with repeal of an enactment making amendments in another Central Act. The relevant provision reads as under:

“6-A. Repeal of Act making textual amendment in Act or Regulation.— Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.”

9.5. The underlying purpose of Section 6-A of the General Clauses Act 1897, is to preserve the continuity and validity of amendments incorporated into the parent legislation, notwithstanding the subsequent repeal of the enactment by which such amendments were introduced. It is a settled principle of statutory interpretation that an amendment once incorporated into the parent Act, the amendment becomes a part thereof and derives its force from the parent legislation. Consequently, repeal of the amending Act merely brings the amending enactment to an end as an independent legislative measure; it does not efface the amendments already incorporated into the parent Act.

9.6. As regards to the decision in the case of **Om Prakash Suthar** (supra), relied upon by the petitioners is concerned, it would suffice to observe that the said decision does not advance



their case in view of the authoritative pronouncements of the Hon'ble Supreme Court on the issue. It is pertinent to note that, while deciding the said case, the attention of the Court does not appear to have been drawn to the saving clause incorporated in the Repealing & Amending Act, 2025 or to the provisions of Section 6-A of the General Clauses Act, 1897. The legal consequence of repeal of an enactment, particularly when considered alongside a statutory saving clause and Section 6-A of the General Clauses Act 1897, cannot be examined in isolation from the principles laid down by the Hon'ble Supreme Court in the aforesaid decisions. It is evident from the said pronouncements that repeal of an enactment does not *per se* extinguish or obliterate rights, liabilities, proceedings or legal consequences which are specifically saved either by the repealing statute or under the General Clauses Act. Therefore, having regard to the aforesaid principles, the ratio of the decision in **Om Prakash Suthar** (supra), rendered without consideration of the aforesaid statutory provisions and the applicable principles, cannot be relied upon in the facts and circumstances of the present case.

9.7. In light of the foregoing discussion and the principles emanating from the judgments referred to hereinabove, it may safely be concluded that the repeal of the Amendment Act 2018, by the Repealing & Amending Act 2025, does not affect the applicability of Section 148 of the NI Act. Once incorporated into the principal legislation, the amendment forms an integral part



thereof and continues to operate notwithstanding the subsequent repeal of the amending legislation.

Factual Adjudication:

10. Now, having held that Section 148 of the NI Act continues to remain in force, the next question which arises for consideration before this Court is whether these instant cases fall within the exceptional circumstances contemplated by the Hon'ble Supreme Court in the case of **Jamboo Bhandari** (supra).

10.1. In the instant case, the petitioners have primarily relied upon the nature of the underlying transactions, their defence that the cheques were issued as security, the dispute regarding the alleged cash advancement and the financial capacity of the respondent, all of which, relates essentially to the merits of the case and are matters which would fall for consideration in the appeals against the judgments of conviction.

10.2. It is also relevant to note that petitioner No.2, who was examined as (DW-1) in his cross-examination has admitted that the cheque in question was issued by him and that it bears his signature. Furthermore, the petitioner No.2 has himself stated that he is the owner of two companies namely: ALD Infratech Pvt. Ltd and SLR Main Power Project Pvt. Ltd., and has assets valued at more than Rs.100 Crore. Therefore, considering the statement of petitioner No.2 and having regards to the facts and circumstances of the case, the contention advanced by counsel for the petitioner, that the direction to deposit 20% of the compensation would cause financial hardship or result in financial prejudice cannot by



itself be accepted as constituting an exceptional circumstance warranting interference with the orders passed by the learned appellate Court.

10.3. Furthermore, perusal of the impugned order dated 01.05.2026, reveals that after considering all the relevant aspects of the matter, including the financial capacity of the petitioner and other mitigating circumstances, the learned Appellate Court has passed well-reasoned orders and in the firm opinion of this Court, the impugned orders do not suffer from any patent illegality, perversity or jurisdictional error warranting interference by this Court in exercise of its jurisdiction.

Conclusion:

11. In view of the aforesaid discussion, this Court finds that no exceptional circumstance has been made out by the petitioners warranting dispensation with the condition of deposit of 20% of the compensation in light of the judgment passed in **Jamboo Bhandari** (supra) and therefore, this Court finds no illegality or perversity in the impugned orders dated 01.05.2026 passed by Additional District & Sessions Judge No.2, Behror, District Kotputli-Behror.

12. Accordingly, these Cr. Misc. petitions being devoid of any merit are hereby dismissed.

13. Stay applications and pending application(s), if any, stand disposed of.

14. However, considering the peculiar facts and circumstances of the case, learned Appellate Court is directed to expedite the hearing of the appeals and make all endeavors to conclude the





same within a period of three months from the date of receipt of certified copy of this order.

15. Office is directed to send a copy of this order to the learned Appellate Court for necessary compliance. The petitioners are also directed to produce a copy of this order before learned Appellate Court.

(ANIL KUMAR UPMAN),J

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