SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/1967/2026 Ramchander --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Harshpal Sekhon, learned counsel for the applicant. 2. Mr. Sandeep Sharma and Mrs. Rangoli Purohit, learned A.G.A. for the State. 3. By the instant petition the applicant is challenging the order dated 07.07.2026, whereby, he is directed to deposit 20 percent of the statutory amount of compensation i.e. Rs. 3,98,000/- within a period of 60 days. 4. The present applicant was convicted by the Trial Court under section 138 of N.I. Act against which he has preferred an appeal and the conviction and sentence was stayed subject to this condition that the applicant shall deposit 20 percent of the statutory amount of compensation within 60 days. 5. It is argued by the learned counsel for the applicant that the applicant moved an application before the Appellate Court for suspension of conviction and sentence by giving reference that he is facing acute financial hardship and is not in a position to deposit the statutory amount, however, the Appellate Court without waiving off the condition for depositing 20 percent of the amount in terms of section 148 of N.I. Act directed the applicant to deposit 20 percent of the amount by suspending the order of conviction and sentence. He submits that the order impugned is a non speaking order since the issue of financial status of the applicant is nowhere dealt with. 6. After perusing the order, it reveals that the

			concerned Appellate Court have not dealt with the issue of financial status of the applicant though the conditions as stipulated under section 148 of N.I. Act is directory and not mandatory. 7. In such view of the matter, the instant petition is disposed of finally by setting aside the impugned order and the matter is remanded to the Appellate Court with a liberty to the applicant to move a fresh application for waiving off the condition of deposit of 20 percent of the amount in terms of section 148 within a period of 15 days and if such an application is moved the Appellate Court is directed to decide the same by a reasoned and speaking order as per the mandate decision of Hon'ble Apex Court in the case of **Jamboo Bhandari vs. M.P. State Industrial Development Corporation Limited and Others** 2023 Live Law SC 776. **(Rakesh Thapliyal, J.)** 17.09.2026 PR