

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(214)

**CRR No.1168 of 2015 (O&M)
Decided on: September 04, 2015.**

Rakesh Kumar

.... Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

Mr. Krishan Sehajpal, Advocate,
for respondent No.2.

M.M.S. BEDI, J (ORAL)

Petitioner has been convicted by the lower Appellate Court, confirming the conviction order passed in proceedings under Section 138 of the Negotiable Instruments Act. The Appellate Court has decided the appeal in the absence of the appellant as he opted to absent himself and make himself available at the time of disposal of the appeal.

Learned counsel for the petitioner submits that the petitioner is ready to discharge his liability by compounding the offence as per the judgment in **Damodar S. Prabhu Vs. Sayed Babalal H. 2010 (2) RCR (Criminal) 851.**

Since the petitioner is neither on bail nor in custody, he cannot be heard in the revision petition.

This petition is disposed of with a direction that in case the petitioner puts in appearance before the lower Appellate Court within a period of one month with a bank draft of the cheque amount with the

amount of cost of compounding calculated as per **Damodar S. Prabhu's case (supra)** along with additional costs of Rs.10,000/- for causing unnecessary harassment to the complainant by delaying the proceedings, the lower Appellate Court shall accept the bail bonds of the petitioner and thereafter dispose of the appeal by permitting the compounding.

(M.M.S. BEDI)
JUDGE

September 04, 2015
harsha