

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

237

CRR-1737-2015 (O&M)
Decided on : 28.09.2015

Amarjit Singh

... Petitioner

Versus

Charanjit Singh

.. Respondent

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

Present : Mr.A.K.Walia, Advocate
for the petitioner.

M.M.S.Bedi, J.

The appeal filed against the conviction order under Section 138 of the Negotiable Instruments Act, 1881 has been decided vide impugned order dated 30.04.2015 by Additional Sessions Judge, Patiala in absence of the petitioner.

Learned counsel for the petitioner submits that the petitioner could not appear on the date of final disposal of the appeal on account of the reason that he had been deputed for official duties by his employer at Sangrur. As such, he was unable to put in appearance before the appellate court.

The petitioner, without prejudice to his legal rights, has offered to discharge his liability partly to the extent of Rs.2 lacs. He has also offered that in case he is unable to establish his defence on merits, he would amicably settle the dispute with the complainant.

Without going into the controversy regarding his non-appearance before the appellate court, I am of the opinion that he

should be given a fair opportunity to contest the appeal subject to his handing over a bank draft of Rs.2 lacs in the name of the complainant on 17.10.2015.

The petitioner will put in appearance before the appellate court on 17.10.2015 alongwith a bank draft of Rs.2 lacs in the name of the complainant. It appears that his bail bonds/surety bonds have not been cancelled formally. If it is so, the appellate court will issue notice to the complainant on petitioner's depositing a bank draft of Rs.2 lacs without prejudice to his rights for arguing the appeal on merits or for compounding the offence. In case, the bail bonds of the petitioner have been cancelled, the appellate court will permit him to furnish fresh bail bonds subject to depositing a bank draft of Rs.2 lacs as aforementioned. Warrants of arrest if any issued against the petitioner will not be executed till 17.10.2015.

The ex parte judgment passed against the petitioner is hereby set aside. It is made clear that if the bank draft of Rs.2 lacs is not deposited, the revision petition will be deemed to have been dismissed.

Petition stands disposed of in the above terms.

[M.M.S.Bedi]
Judge

28.09.2015
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