

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2598 of 2015 (O&M).
Decided on:-July 24, 2015.

Buta Singh.

.....Petitioner.

Versus

Amar Nath.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed the present petition against judgment dated 4.7.2015 passed by learned Additional Sessions Judge, Bathinda vide which the judgment of conviction and order of sentence dated 16.3.2015 passed by Judicial Magistrate 1st Class, Talwandi Sabo in a complaint case No.39 dated 9.9.2013 was upheld and the appeal of the petitioner was dismissed.

The learned Judicial Magistrate vide judgment and order dated 16.3.2015 had convicted the petitioner for commission of the offence punishable under Section 138 of Negotiable Instruments Act, 1881 and had sentenced him to undergo rigorous imprisonment for a period of one year

and to pay fine of Rs.5,000/-. Against the said verdict of the trial Court, the petitioner had filed an appeal, but the same was also dismissed by learned Additional Sessions Judge, Bathinda vide impugned judgment dated 4.7.2015.

Counsel for the petitioner contends that the petitioner is in custody since 4.7.2015 and after dismissal of the appeal by the learned Additional Sessions Judge, Bathinda, the parties have entered into a compromise on 20.7.2015 which has been placed on record as Annexure P-1.

Notice of motion.

At this stage, Mr. Sunil Dhanda, Advocate appears on behalf of the respondent and states that the respondent has accepted the Panchayati compromise dated 20.7.2015 (Annexure P-1) and has no objection in case the sentence awarded to the petitioner is reduced for a period already undergone by him. He further states that the cheque amount has already been received by the respondent.

Counsel for the petitioner states that the petitioner will be satisfied if the judgment of conviction is upheld, but prays that the sentence awarded to the petitioner is reduced for a period already undergone by him.

In view of the above position as well as considering the fact that the parties have compromised the matter and the petitioner is in custody since 4.7.2015, the judgment of conviction dated 16.3.2015 passed by the learned trial Court and affirmed by the learned appellate Court is upheld.

However, the order of sentence dated 16.3.2015 is modified to the extent that the sentence awarded to the petitioner is reduced to the period already undergone by him. However, in case the amount of fine of Rs.5,000/- has already been deposited by the petitioner, the same is ordered to be refunded to him as per rules. Accordingly, the petitioner is ordered to be released from custody forthwith, if not required in any other case.

With the aforesaid modification in the order of sentence, the instant petition is disposed of.

(HARI PAL VERMA)
JUDGE

July 24, 2015
'Yag Dutt'