

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

**Criminal Revision No. 4121 of 2014(O&M)
Date of Decision: January 08, 2015**

Manohar Lal

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Rakesh Bhatia, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Challenge in the criminal revision petition is to the order dated 13.10.2014 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar, whereby the bail bonds furnished by the petitioner were forfeited to the State and he was ordered to be taken into custody by learned trial court. It was further ordered that a notice under Section 446, Cr.P.C., be also served upon the petitioner and his surety.

Learned counsel contends that the petitioner was held guilty for the offence punishable under Section 138 of the Negotiable Instruments Act (for brevity "N.I.Act"); against the judgment of conviction and order of sentence, the petitioner preferred an appeal which was pending adjudication before learned Sessions Judge, Shaheed Bhagat Singh Nagar on

13.10.2014; the petitioner could not appear before the said court and as such, his bail bonds were forfeited to the State and he was ordered to be taken into custody by learned trial court. He further contends that during pendency of the said appeal, the petitioner had resolved his dispute with the complainant Kesar Singh and effected a compromise. He also contends that the offence punishable under Section 138 of the N.I.Act is compoundable as per provisions contained in Section 147 of the N.I.Act and the said compromise can be effected even at the appellate stage. He also contends that now the petitioner has surrendered before the court below and is in custody, therefore, he may be permitted to withdraw the present criminal revision petition with permission to move an application before the Appellate Court where the appeal of the petitioner is pending for compounding of the offence.

At this stage, Sh.Subhash Kumar, Advocate, has put in appearance for respondent No.2/complainant, Kesar Singh, and has no objection if the present criminal revision petition is ordered to be withdrawn with permission to move an applications before the Appellate Court for compounding of the offence. He further contends that Kesar Singh has resolved all his disputes with the petitioner and has no objection if the conviction and sentence of the petitioner are set aside.

Dismissed as withdrawn.

In case the petitioner moves an application for effecting compromise before learned Sessions Judge where the appeal of the petitioner is pending against his conviction and sentence for the offence punishable under Section 138 of the N.I.Act, the same shall be decided in accordance with law within seven days of such presentation of the application.

January 08, 2015
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(Naresh Kumar Sanghi)
Judge