

CRR Nos.538, 539, 541, 543, 545 and 546 of 2015

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

Date of Decision: 11.03.2015

1. CRR-538-2015 (O & M)

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

2. CRR-539-2015 (O & M)

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

3. CRR-541-2015 (O & M)

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

4. CRR-543-2015 (O & M)

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CRR Nos.538, 539, 541, 543, 545 and 546 of 2015

5. CRR-545-2015 (O & M)

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

AND

6. CRR-546-2015 (O & M)

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sanjeev Duggal, Advocate,
for the petitioner in all the petitions.

Mr. S.S.Chandumajra, DAG, Punjab.

Mr. Ashish Gupta, Advocate,
for respondent no.2 in all the petitions.

Paramjeet Singh, J.(Oral)

This order shall dispose of CRR Nos.538, 539, 541, 543, 545 and 546 of 2015 as common questions of fact and law are involved in all the petitions and the parties are same, though dishonoured cheques are different.

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For ready reference, the details including date of judgment, cheque number and amount etc. involved in all the petitions are as under:

<i>Sr. No.</i>	<i>Criminal Revision</i>	<i>Date of judgment of Appellate Court</i>	<i>Date of judgment of conviction/order of sentence and punishment awarded to the petitioner under Section 138 of N.I.Act</i>	<i>Cheque No.</i>	<i>Amount</i>
1	538 of 2015	27.01.2015	Vide order dated 28.08.2014, the petitioner was sentenced to undergo imprisonment for a period of six months and fine of ₹ 2,000/-, in default to undergo further imprisonment for fifteen days.	199553 dated 12.09.2012	₹ 55,036/-
2	539 of 2015	27.01.2015	Vide order dated 18.09.2014, the petitioner was sentenced to undergo imprisonment for a period of six months and fine of ₹ 2,000/-, in default to undergo further imprisonment for fifteen days.	199552 dated 12.09.2012	₹ 15,453/-
3	541 of 2015	27.01.2015	Vide order dated 18.09.2014, the petitioner was sentenced to undergo imprisonment for a period of six months and fine of ₹ 2,000/-, in default to undergo further imprisonment for fifteen days.	199568 dated 15.09.2012	₹ 18,173.06
4	543 of 2015	27.01.2015	Vide order dated 18.09.2014, the petitioner was sentenced to undergo imprisonment for a period of six months and fine of ₹ 2,000/-, in default to undergo further imprisonment for fifteen days.	000185 dated 19.09.2012	₹ 26,830/-

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<i>Sr. No.</i>	<i>Criminal Revision</i>	<i>Date of judgment of Appellate Court</i>	<i>Date of judgment of conviction/order of sentence and punishment awarded to the petitioner under Section 138 of N.I.Act</i>	<i>Cheque No.</i>	<i>Amount</i>
5	545 of 2015	27.01.2015	Vide order dated 28.08.2014, the petitioner was sentenced to undergo imprisonment for a period of six months and fine of ₹ 2,000/-, in default to undergo further imprisonment for fifteen days.	199583 dated 03.08.2012	₹ 61,718/-
6	546 of 2015	27.01.2015	Vide order dated 28.08.2014, the petitioner was sentenced to undergo imprisonment for a period of six months and fine of ₹ 2,000/-, in default to undergo further imprisonment for fifteen days.	000174 dated 03.08.2012	₹ 94,602/-
2,71,812.06				Total = ₹	

In all the cases, it is ordered by the trial Court that if the amount of fine is realized, half of fine amount shall be given to the complainant.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the parties state that the dispute has been settled amicably. Learned counsel for respondent No.2, on instructions from respondent No.2, states that he would have no objection, if all the revision petitions are allowed and the petitioner is acquitted in the complaints in question on the basis of compromise, subject to payment

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of cheque amount to the complainant. Demand draft No.356978 dated 09.02.2015 in a consolidated sum of ₹ 2,71,812.06 in respect of all the six complaints, has been handed over to the counsel for respondent no.2-complainant. Photocopy of the same is taken on record.

The Hon'ble Apex Court in the matter of ***Damodar S. Prabhu versus Sayed Bablal H.*** reported in ***2010(2) R.C.R. (Criminal) 851***, has held as under:-

“15. With regard to the progression of litigation in cheque bouncing cases, the learned Attorney General has urged this Court to frame guidelines for a graded scheme of imposing costs on parties who unduly delay compounding of the offence. It was submitted that the requirement of deposit of the costs will act as a deterrent for delayed composition, since at present, free and easy compounding of offences at any stage, however belated, gives an incentive to the drawer of the cheque to delay settling the cases for years. An application for compounding made after several years not only results in the system being burdened but the complainant is also deprived of effective justice. In view of this submission, we direct that the following guidelines be followed:-

THE GUIDELINES

(i) In the circumstances, it is proposed as follows:

(a) That directions can be given that the Writ of Summons be suitably modified making it clear to the accused that he could make an application for compounding of the offences at the first or second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the

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accused.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the Court deems fit.

(c) Similarly, if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase to 20% of the cheque amount. Let it also be clarified that any costs imposed in accordance with these guidelines should be deposited with the Legal Services Authority operating at the level of the Court before which compounding takes place. For instance, in case of compounding during the pendency of proceedings before a Magistrate's Court or a Court of Sessions, such costs should be deposited with the District Legal Services Authority. Likewise, costs imposed in connection with composition before the High Court should be deposited with the State Legal Services Authority and those imposed in connection with composition before the Supreme Court should be deposited with the National Legal Services Authority."

Consequently, in view of compromise deed and keeping in

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view the law laid down by the Hon'ble Apex Court in the matter of ***Damodar S. Prabhu (supra)***, impugned judgments and order of sentence are set aside and criminal complaints filed by the complainant are quashed, subject to deposit of 15% of the cheque amount of ₹ 2,71,812.06 i.e. ₹ 40,772/- with the State Legal Services Authority, Punjab. The petitioner shall be released, if not required in any other case, on deposit of aforesaid amount of ₹ 40,772/-, as directed aforesaid.

All the revisions are disposed of accordingly.

However, it will not preclude the complainant from availing civil remedy in accordance with law.

11.03.2015

parveen kumar

(Paramjeet Singh)
Judge