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CRIMINAL REVISION No. 4065 of 2012

GURCHARAN SINGH V/S STATE OF PUNJAB AND ANOTHER

Present: None for the petitioner

Ms. Ambika Sood, DAG Punjab
ASI Major Singh, 193, P.S. Amloh

* * * *

Respondent No.2-complainant is not being represented by any counsel. Petitioner in this case was convicted under Section 138 of the Negotiable Instruments Act for the cheque having been dishonoured which was allegedly issued by the petitioner in the sum of 1,52,000/- in favour of claimant-respondent No.2. When the case was admitted on February 07, 2013 it was observed by the Hon'ble Judge as under:

“It has been stated by learned senior counsel for the petitioner that he is ready to make payment of amount of cheque of Rs.1,52,000/- to the respondent-complainant.”. It was further observed that the sentence awarded to the petitioner will remain suspended subject to his depositing Rs. 1,52,000/- before the learned Trial Court for being paid to the complainant.

On 9.9.2016 case had come up before the Lok Adalat. The petitioner, who had appeared in person, as also his counsel stated that Rs.1,52,000/-, as observed above, stood deposited with the learned Trial Court/Duty Magistrate at Amloh and that amount has since been withdrawn by the complainant-respondent. The complainant-respondent had not appeared earlier and therefore, notice was ordered to be issued to him by registered post as well as through District Judge, Fatehgarh Sahib. It has been reported by the office of District & Sessions Judge, Fatehgarh Sahib

that respondent No.2 stands served. He is not present. It can be assumed,

under the circumstances, that respondent No.2-complainant does not wish to contest the case inasmuch as he has received the amount of the cheque of Rs.1,52,000/-.

In the aforesaid circumstances, the complaint filed by respondent No.2 will be deemed to be dismissed as withdrawn and matter being compoundable the complaint under Section 138 of the Negotiable Instruments Act will be deemed to have been dismissed as withdrawn.

The present revision petition is rendered infructuous and the same is disposed of as such.

However, since respondent No.2 is not present despite service, in the interest of justice, we give liberty to him to get the case revived and get the order modified in accordance with law, if so advised and circumstances so exist.

Copy of the order be given to learned counsel/parties.

(R.S.Mongia)
President

(Mahavir S. Chauhan)
Member

07.10.2016
Janki