

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

**CRR No.1563 of 2013
Date of Decision : 14.3.2016**

Yoginder Aggarwal

.....Petitioner

Versus

Haryana Land Reclamation & Development Corporation Ltd. and anr.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr.Rahul Vats, Advocate for
Mr. Gorakh Nath, Advocate
for the petitioner.

None for respondent No.1.

Mr. Apoorv Garg, DAG, Haryana.

GURMIT RAM, J.

The present revision – petitioner (accused) was tried by the Court of learned Judicial Magistrate Ist Class, Palwal in a private complaint case titled '*Haryana Land Reclamation & Development Corporation Ltd. its Regional Manager, Palwal, Tehsil & District Palwal Versus M/s Yoginder Brothers, Fertilizer Dealer, 55, Bank's Street, New Grain Market, Palwal*' filed under Section 138 of Negotiable Instruments Act, 1881 (for short – the Act). The petitioner – accused was held guilty for the notice of accusation (offence) under Section 138 of the Act by the

Court of learned Judicial Magistrate Ist Class, Palwal, vide judgment dated 16.5.2012 and awarded the sentence on dated 17.5.2012 which is detailed as under:

Rigorous imprisonment for a period of one year along with a fine of Rs.2,000/- and in default of payment of fine to further undergo simple imprisonment for one month.

Further he (accused) was also directed to compensate the complainant with Rs.2 lacs, but no period was stipulated within which payment of this compensation was to be made.

2. Feeling aggrieved from this judgment and order of sentence, the appellant (accused) preferred an appeal before the Court of learned Additional Sessions Judge, Palwal which was dismissed vide judgment dated 4.5.2013 and he (revision – petitioner) was taken into custody to undergo the sentence.

3. Feeling aggrieved from the judgments passed by both the Courts below, petitioner (accused) has come up before this Court by way of instant revision petition, notice of which was given to the respondents.

4. At the time of the arguments, the learned State counsel produced the custody certificate of the petitioner (convict), copy of which supplied to the learned counsel for the petitioner. In this custody certificate, there is a note that the convict was released from jail on the expiry of his sentence on 31.3.2014.

5. Learned counsel for the petitioner has contended that since the petitioner has already undergone the sentence imposed upon him and as such this revision petition may be disposed of as having been rendered

infructuous.

6. In view of the above statement of learned counsel for the petitioner, this revision petition stands dismissed as having been rendered infructuous and disposed of accordingly.

However, it is made clear that the respondent No.1 – complainant will be at liberty to proceed against the revision – petitioner as per law for the recovery of the amount of compensation of Rs.2 lacs granted in his favour by the learned trial Court vide order of sentence dated 17.5.2012.

14.3.2016
Brij

(GURMIT RAM)
JUDGE