

CRR No. 4006 of 2013

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

CRR No. 4006 of 2013

Date of decision : November 10, 2016

Satish Kumar Maini,

..... Petitioner

v.

Sarwan Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioner.

Mr. Kamal Narula, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This petition has been filed against the concurrent conviction of the petitioner under Section 138 of the Negotiable Instrument Act.

At the very outset, I deem it appropriate to direct the Registry to disburse the amount of ₹ 40,000/- to the respondent/complainant.

This petition had come up for hearing initially on

19.12.2013 when the following order was passed :-

“ Learned counsel for the petitioner does not challenge the conviction on merits and restricts his prayer to quantum of sentence. He further states that the petitioner shall repay the amount in question and get the offence compounded.

Notice of motion for 17.02.2014.

The petitioner is directed to deposit ₹ 40,000/- with the Registry of this Court and in the event of his doing so, his sentence shall be suspended, subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ferozepur.”

Thereafter, the matter was repeatedly adjourned at the request of counsel for the petitioner. On 8.2.2016, the following order was passed :-

“ Learned counsel for the petitioner contends that since it is a dispute under Section 138 of Negotiable Instruments Act, 1881, therefore, same may be sent to the Mediation and Conciliation Centre of this Court so that parties may try to amicably settle the same.

In view of this, the matter is sent to the Mediation and Conciliation Centre of this Court.

Both the parties are directed to put in appearance before the Mediation and Conciliation Centre of this Court on 16.2.2016 at 10.00 AM.

After receipt of the report from the Mediation and Conciliation Centre of this Court, file be again put up before this Court.”

From the report of the Mediator, it transpired that the petitioner did not appear before him, though on one or two occasions the respondent had appeared. Thereafter, on 26.10.2016, the following order

was passed :-

“ Even on second call, none has appeared on behalf of the petitioner.

Learned counsel for the respondent has stated that these are delaying tactics.

In these circumstances, adjourned to 10.11.2016. However, it is made clear that if none appears on behalf of the petitioner, the instant petition shall be decided.”

Even today, none has entered appearance on behalf of the petitioner. In the circumstances, keeping in view the fact that an amount of ₹ 40,000/- has been ordered to be disbursed to the respondent, I deem it appropriate to reduce the sentence of petitioner to eight months. Let the petitioner be arrested forthwith to serve out the remaining sentence.

This petition stands disposed of.

November 10, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No