

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

(1) CRR No.2072 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(2) CRR No.2073 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(3) CRR No.2087 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(4) CRR No.2088 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(5) CRR No.2089 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(6)

CRR No.2090 of 2016 (O&M)

M/s Dev Milk Specialists and others

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M/s Bakshish Singh Sandhu Chilling Centre

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(7)

CRR No.2091 of 2016 (O&M)

M/s Dev Milk Specialists and others

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M/s Bakshish Singh Sandhu Chilling Centre

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(8)

CRR No.2092 of 2016 (O&M)

M/s Dev Milk Specialists and others

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(9)

CRR No.2093 of 2016 (O&M)

M/s Dev Milk Specialists and others

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(10)

CRR No.2094 of 2016 (O&M)

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(11) CRR No.2095 of 2016 (O&M)

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(12) CRR No.2096 of 2016 (O&M)

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M/s Bakshish Singh Sandhu Chilling Centre
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(13) CRR No.2097 of 2016 (O&M)

M/s Dev Milk Specialists and others
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M/s Bakshish Singh Sandhu Chilling Centre
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(14) CRR No.2098 of 2016 (O&M)

M/s Dev Milk Specialists and others
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M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(15) CRR No.2099 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(16) CRR No.2100 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(17) CRR No.2101 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(18) CRR No.2102 of 2016 (O&M)

M/s Dev Milk Specialists and others
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VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(19) CRR No.2103 of 2016 (O&M)

M/s Dev Milk Specialists and others
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M/s Bakshish Singh Sandhu Chilling Centre
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(20) CRR No.2104 of 2016 (O&M)

M/s Dev Milk Specialists and others
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VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
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(21) CRR No.2105 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(22) CRR No.2106 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(23) CRR No.2165 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(24) CRR No.2166 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

(25) CRR No.2167 of 2016 (O&M)

M/s Dev Milk Specialists and others
...Petitioners

VERSUS

M/s Bakshish Singh Sandhu Chilling Centre
...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Boparai, Advocate
for the petitioners.

Mr.G.S.Salana, Advocate
for the respondent.

INDERJIT SINGH, J.

CRM No.18191 of 2016 in CRR No.2072 of 2016, CRM No.18194 of 2016 in CRR No.2073 of 2016, CRM No.18310 of 2016 in CRR No.2089 of 2016, CRM No.18312 of 2016 in CRR No.2090 of 2016, CRM No.18318 of 2016 in CRR No.2093 of 2016, CRM No.18320 of 2016 in CRR No.2094 of 2016, CRM No.18322 of 2016 in CRR No.2095 of 2016, CRM No.18326 of 2016 in CRR No.2097 of 2016, CRM No.18336 of 2016 in CRR No.2102 of 2016, CRM No.18338 of 2016 in CRR No.2103 of 2016, CRM No.18342 of 2016 in CRR No.2105 of 2016, CRM No.18344 of 2016 in CRR No.2106 of 2016, CRM No.18788 of 2016 in CRR No.2166 of 2016

For the reasons mentioned in the applications, the same are allowed. Delay of 119 days in filing the above-mentioned revision petitions is condoned.

CRM No.18305 of 2016 in CRR No.2087 of 2016, CRM No.18307 of 2016 in CRR No.2088 of 2016, CRM No.18314 of 2016 in CRR No.2091 of 2016, CRM No.18316 of 2016 in CRR No.2092 of 2016, CRM No.18324 of 2016 in CRR No.2096 of 2016, CRM No.18328 of 2016 in CRR No.2098 of 2016, CRM No.18330 of 2016 in CRR No.2099 of 2016, CRM No.18332 of 2016 in CRR No.2100 of 2016, CRM No.18334 of 2016 in CRR No.2101 of 2016, CRM No.18340 of 2016 in CRR No.2104 of 2016, CRM No.18786 of 2016 in CRR No.2165 of 2016, CRM No.18790 of 2016 in CRR No.2167 of 2016

For the reasons mentioned in the applications, the same are allowed. Delay of 116 days in filing the above-mentioned revision petitions is condoned.

Main cases

This order shall dispose of all the above-mentioned connected revisions as the point for determination in all the revision petitions is the same.

The above-mentioned revision petitions have been filed by petitioners M/s Dev Milk Specialists, Arpinder Singh Pannu and Ranjit Singh Pannu challenging the judgments dated 06.10.2015 passed by learned Addl. Sessions Judge, Amritsar vide which the appeals filed by the respondent against the judgment dated 20.02.2015 passed by learned Judicial Magistrate Ist Class, Amritsar, convicting and sentencing the petitioners under Section 138 of the Negotiable Instruments Act, was allowed and accused-present petitioners were directed to pay compensation of ₹5 lacs i.e. amount of cheque as compensation to the complainant-present respondent in each case.

The brief facts of the case as noted down in the judgment dated 20.02.2015 passed by learned JMIC, Amritsar, are as under:-

“2. Succinctly, the case of complainant is that there is business dealings between accused and complainant regarding sale and purchase of milk and approximately an amount of Rs.1,25,00,000/- stands due towards accused. Accused, after going through the accounts and in order to discharge their partial legal debt and liability, handed over 25 post dated cheques to complainant at Amritsar and fully assured that all the cheques would certainly be encashed upon their presentation. Complainant firm is payee/holder in due course of cheques and out of those cheques, complainant presented one cheque bearing No.004009 dated 24.8.2010 for Rs.5,00,000/- drawn on State Bank of Patiala, Branch SCO 34-35, Industrial Area, Phase 7, Mohali. At the time of issuing said cheque, both the accused persons assured the complainant that the said cheque, upon its presentation, shall certainly be encashed. On the assurance of accused, complainant presented the said cheque for its clearance with its banker namely 3 Punjab National Bank, Branch Ranjit Avenue, Amritsar, but the same was dishonoured with the

remarks "Exceed Arrangement" vide memo dated 25.8.2010. Thereafter, complainant served the accused with legal notice dated 14.09.2010 through Registered post but despite the service of legal notice, accused have failed to make the payment to complainant till date. Hence, the present complaint is filed under section 138 Negotiable Instruments Act, 1881 (for brevity 'N.I.Act')."

Notice of motion was issued and learned counsel for the respondent appeared and contested the petitions.

At the time of arguments, learned counsel for the petitioners firstly argued that the complainant has failed to prove its case and accused are entitled to acquittal. Secondly, he argued that the trial Court has not granted any compensation and the lower Appellate Court has granted the compensation. He next argued that the compensation cannot be granted in the present case by the Court.

After hearing learned counsel for the parties and after going through the record, especially the impugned judgment dated 06.10.2016, I find that complainant has filed the appeals in all these 25 cases for grant of compensation of the cheque amount (₹51lacs each) issued by the accused as no compensation was granted by the learned Magistrate. The compensation has been granted by learned lower Appellate Court after discussing the judgments passed by the Hon'ble Supreme Court in the impugned judgments itself. No judgment/law has been cited by learned counsel for the petitioners that compensation cannot be granted by the Appellate Court. It has been held by the Hon'ble Supreme Court that apparent intention is to ensure that not only the offender is punished, but also ensure that the complainant invariably receives the amount of the cheque by way of compensation under Section 357(1)(b) of the Code.

No judgment has been cited by learned counsel for the petitioners to show that the law is otherwise. Learned Addl. Sessions Judge, Amritsar, while passing the impugned judgments, granted by the compensation by relying upon the law laid by the Hon'ble Supreme Court in *R. Vijayan vs. Baby, 2011 (4) RCR (Civil) 834*.

Vide separate judgment passed today, the revision petitions filed by the petitioners qua their conviction and sentence have also been dismissed.

In view of the above discussion, I find that impugned judgments have been passed by giving reasonings as per law and no illegality has been committed by learned lower Appellate Court. The impugned judgments dated 06.10.2015 passed by learned Addl. Sessions Judge, Amritsar, are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in all the above-mentioned revision petitions, the same are dismissed.

August 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No