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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 403 of 2016 (O/M)

Date of decision : 12.5.2016

M/s Pal Hire Purchase and Finance Corp. Petitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- None for the petitioner.

Mr. Ashish Sanghi, Deputy A.G. Punjab.

None for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Respondent No. 2 has not appeared, despite service.

The brief facts of the case are that the petitioner-Company had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881, against the accused (respondent No. 2 herein). While convicting the accused/respondent No. 2, the learned Judicial Magistrate 1st Class, Jalandhar, passed a sentence to pay fine of Rs. 15,000/- and in default of payment of fine, to undergo rigorous imprisonment of one month, vide judgment of conviction and order of sentence dated 10.4.2014. The complainant/petitioner went in appeal against the said judgment of the lower Court, but

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remained unsuccessful. The short prayer of the complainant/petitioner is that the fine of Rs. 15,000/-, imposed by the lower Court, should be ordered to be paid to the petitioner-complainant as compensation.

It comes out from the judgment of the lower Court that no substantive sentence was imposed upon the accused. Only a fine was ordered to be paid by the accused. The petitioner-complainant had pursued his complaint before the lower Court as well as the Sessions Court.

Keeping in view the circumstances, it comes out that the prayer of the petitioner-complainant is genuine. Therefore, it is ordered that the fine of Rs. 15,000/-, imposed by the lower Court, shall be paid by the accused-respondent No. 2 to petitioner-complainant as compensation under Section 357 (4) Cr.P.C. Hence, the present revision is allowed.

(KULDIP SINGH)
JUDGE

12.5.2016
sjks