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

**Date of decision: December 07, 2016
CRR No.4529 of 2016 (O&M)**

Pankaj Bansal

.....Applicant-Petitioner

Versus

State of Punjab and another

.....Respondents

CRR No.4538 of 2016 (O&M)

Pankaj Bansal

.....Applicant-Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Pardeep Rajput, Advocate for the applicant-petitioner.

Mr. Vipul Aggarwal, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

CRM Nos.38332 & 38437 of 2016

Heard.

Applications are allowed for the reasons stated therein.

Delay in filing the revision petitions, is condoned.

**CRR No.4529 of 2016 (O&M) &
CRR No.4538 of 2016 (O&M)**

Rule. Heard forthwith with the consent of counsel for the
rival parties.

Mr. Vipul Aggarwal, Advocate appears for the complainant
in both the matters.

The petitioner was convicted in two criminal cases, i.e.

Complaint Case No.3972 of 2008 and Complaint Case No.3979 of 2008, filed by the complainant represented by Mr. Vimal Sharma Advocate, under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act'). He was sentenced to undergo Rigorous Imprisonment for 2 years along with payment of fine. The amount under the cheques was ₹1 lac and ₹2 lac respectively in both these two cases.

The petitioner is in Jail undergoing the sentence and as contended by both the counsel for the petitioner as well as complainant, he has undergone imprisonment for almost 4 months.

Now the learned counsel for both the parties, i.e. the petitioner-accused and the complainant are *ad idem* on the issue that the amounts under the cheques for which the petitioner was convicted, stand paid in full to the complainant by the petitioner-accused. Learned counsel for the complainant makes a categorical statement before this Court that indeed the amounts under the cheques have been received by the complainant in both these cases and the complainant has no interest in continuing the detention of the petitioner in Jail. Rather the counsel for the complainant agrees that the petitioner can be let off on whatever sentence he has already undergone all the more so, because the complainant has received his entire amount and the complainant has no grievance now, of whatsoever nature about subject matter against the petitioner-accused.

Since it is not in dispute that the amounts under the cheques in both these cases has been paid to the complainant in both these cases and the object of the prosecution under Section 138 of the N.I. Act is for

early recovery of money, there is no point in continuing the detention of the petitioner in Jail, particularly because the counsel for the complainant has made the statement as above. There is also no point in retaining the order awarding the sentence of 2 years and fine in view of the complainant having no grievance against the petitioner now since he has been paid his amount.

Thus, acting on the statements made by the learned counsel for the rival parties, i.e. the petitioner-accused and the complainant, I make the following order:-

ORDER

- (i) CRR No.4529 of 2016 and CRR No.4538 of 2016 are disposed of on the statements made by the learned counsel for the petitioner as well as complainant.
- (ii) The judgment and order dated 29.08.2012 passed by the trial Court and judgment dated 08.08.2013 passed by the lower Appellate Court awarding the sentence to the petitioners in both the cases, i.e. Complaint Case No.3972 of 2008 and Complaint Case No.3979 of 2008, are quashed and set aside.
- (iii) The petitioner be set at liberty forthwith, if not required in any other case.

(A.B. CHAUDHARI)
JUDGE

December 07, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No