

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

CRR No.3077 of 2009

Date of Decision: 27.01.2017

Balwainder Kumar

...Petitioner

Versus

M/s Saraswati Indl. Syndicate Ltd. and another

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Agnihotri, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner was convicted by the Chief Judicial Magistrate, Jagadhari for the offence punishable under Section 630 of the Companies Act. He was sentenced to undergo simple imprisonment for one year alongwith fine of Rs.2,000/-. Amount of fine was paid by the petitioner. Order of sentence and the conviction of the petitioner was maintained by the Lower Appellate Court.

Petitioner was convicted on the ground that he had perpetuated illegal possession of the accommodation which was provided to him by the Company and he did not vacate the same despite revocation of his licence to hold the property. Services of the petitioner were terminated in the year 2001 as a measure of departmental proceedings. The matter was

ultimately settled with the Company. The dues in terms of gratuity, provident fund, wages and pension were released to the petitioner by the Company and after taking physical and vacant possession of the premises in question, the dispute was settled by the Company with the petitioner.

Petitioner has filed the present revision petition against the conviction and sentence recorded by the Courts below. Petition was admitted and sentence of the petitioner was ordered to be suspended vide order dated 18.01.2010. Company was impleaded as respondent No.1. Despite service, none appeared on behalf of the Company. Before the Lower Appellate Court, a reply was filed by the Company to the application for production of additional document. As per Para-6 of the reply, it was specifically mentioned by the Company that the Company had taken physical possession of the premises in question and all the dues of the petitioner stood settled after taking the possession of the quarter/residential accommodation from the petitioner. Since the matter was settled between the parties, State has obviously no objection to the aforesaid course of settling the dispute *inter se* between the petitioner and respondent No.1.

In view of aforesaid, no *bona fide* purpose would be served by keeping this petition pending. It has also come on

record that out of total sentence of one year, the petitioner has already undergone sentence of two months and four days as per custody certificate.

In view of aforesaid, it would be just and appropriate to reduce the sentence of the petitioner for the period already undergone as the petitioner does not wish to challenge the conviction on merits.

Disposed of.

January 27, 2017
ps-l/prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No