

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 3694-2012 (O&M)
Date of decision: 14.11.2017

Vijay Singh

.....Petitioner

versus

Rajender Parshad

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Johan Kumar, Advocate for the petitioner
Mr.Keshav Partap Singh, Advocate for the respondent

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner was acquitted by learned Additional Chief Judicial Magistrate, Palwal for an offence under Section 138 of Negotiable Instruments Act, 1881 vide judgment dated 21.9.2011. Learned counsel for respondent / complainant does not dispute that appeal against the acquittal lies before this Court. However, it was wrongly filed before Sessions Court Palwal. Learned Additional Sessions Judge, Palwal reversed the findings of acquittal and convicted and sentenced the petitioner vide judgment of conviction dated 21.9.2012 and order of sentence dated 24.9.2012. Learned counsel for the petitioner has relied upon the authority of Apex Court delivered in Subhash Chand vs. State (Delhi Administration), (2013) 2 Supreme Court Cases 17.

It being so, the appeal against acquittal was not maintainable before the Sessions Court and it was wrongly decided. Learned counsel for

respondent has no objection if the judgment passed by learned Additional Sessions Judge, Palwal is set aside with liberty to the respondent/complainant to challenge the acquittal of the petitioner before this Court. It being so, the judgment of conviction dated 21.9.2012 and order of sentence dated 24.9.2012 passed by learned Additional Sessions Judge, Palwal is hereby set aside. The petitioner is already on bail. However, in pursuance to the directions of this Court, he has already deposited Rs.two lakhs before the trial Court, which has been released to the complainant. In these circumstances, the complainant is directed to return the said Rs. Two lakhs to the present petitioner within 15 days from the date of receipt of a certified copy of this order. The complainant/ respondent is also granted liberty to challenge the order of the trial Court before this Court by filing an appeal against acquittal of the petitioner. If the said appeal is filed within 30 days from today, the same shall be entertained and decided on merits, notwithstanding the limitation.

The present revision petition stands allowed accordingly.

Bail bonds and surety bonds stands discharged.

14.11.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No