

501

CRM-31880-2014 in CRR-3331-2014 (O&M)

Ram Lal Puri

vs. Oriental Bank of Commerce & another

Present: Petitioner-in person with Mr. Vishal Sodhi, Advocate

Mr. J.S.Sandhu, Advocate for
respondent No.1-Oriental Bank of Commerce

Mr. Anmol Sandhu, AAG Punjab
HC Harminder Singh, P.S. Kotwali, Patiala

* * * *

The present revision petition is by Ram Lal Puri against the conviction & sentence under section 138 of the Negotiable Instruments Act.

The facts are that he was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by Oriental Bank of Commerce qua dishonouring of cheque No.963277 dated 13.08.2008 of ₹ 4,91,000/- which was issued by petitioner-Ram Lal Puri for paying the loan amount and was sentenced to undergo simple imprisonment for a period of two years and to pay a fine of ₹ 10,000/- and in default of payment of fine to further undergo simple imprisonment for a period of one month vide judgment dated 18.11.2011 passed by JMJC, Patiala. The appeal filed by the petitioner against the said judgment was dismissed in absentia on 2.7.2014 by the Additional Sessions Judge (Fast Track Court), Patiala, whereas the appeal filed by the complainant-bank seeking compensation i.e. double the amount of the cheque was accepted.

The petitioner has preferred the present revision petition. During the pendency of this revision petition he surrendered on 30.11.2015. He also entered into settlement with the complainant-Bank who issued no due certificate (Annexure P-3) and affidavit of Sh. K.L.Chawla, Branch Manager, Oriental Bank of Commerce-complainant stated that all the

outstanding dues against the petitioner have been settled and nothing is due against him and the offense be compounded. On the basis of the same the petitioner was granted interim bail on 8.1.2016 with the observation that the Court shall also consider imposition of exemplary costs while disposing of the main petition.

The matter has been referred to the Lok Adalat.

The matter had already been settled. Today Mr. J.S.Sandhu, Advocate representing Oriental Bank of Commerce-complainant has stated upon the instructions from the Bank that the case be compounded since the settled amount of ₹ 1,80,000/- has been received. No objection certificate and affidavit of Sh. K.L.Chawla, Branch Manager, Oriental Bank of Commerce had already been placed on record and he endorses the same and states that in view of the compounding of the case the complaint be dismissed as withdrawn and the appropriate orders may be passed.

The matter has already been compromised between the parties during the pendency of the revision petition as referred to above. The settled amount has been paid to the complainant. The complainant thus has sought that the complaint be dismissed as withdrawn. In the backdrop of the facts, we allow the parties to compound the offence. The natural corollary is that conviction and sentence, so recorded by the Trial Court and upheld by the Appellate Court to petitioner-Ram Lal Puri is set aside and he stands acquitted of the charges against him. In given facts the fine paid by the petitioner be treated as cost of the proceedings.

The revision petition stands disposed of accordingly in the aforestated terms.

**CRM-31880-2014 in
CRR-3331-2014 (O&M)**

- 3 -

Copy of the order and statement be given to learned
counsel/parties.

Copy of the order be also sent to the concerned authorities.

(Arvind Kumar)
President

(Darshan Singh)
Member

11.09.2017
Janki