

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8908-2017 (O&M)
Date of decision: 28.11.2017

Arun Kumar

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sidhu, Advocate for
Mr. Parvez Chugh, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is to set aside the judgment of conviction and order of sentence dated 18.11.2013 passed by the trial Court, convicting the petitioner under Section 406 of the Indian Penal Code ('IPC' for short) and sentencing him to undergo rigorous imprisonment for two years with a fine of Rs.2,000/- and in default of payment of fine, to further undergo simple imprisonment for one month, in FIR No.170 dated 24.09.2006 under Section 406 IPC, registered at Police Station City Ferozepur, District Ferozepur.

Counsel for the petitioner submits that the appeal against the judgment of conviction is pending before the lower appellate Court and this

petition has been filed in view of the fact that the matter has been compromised, as the complainant and the petitioner are real brothers and the present is a money dispute, which has been settled between them.

Vide order dated 20.04.2017, the parties were directed to appear before the trial Court for recording their statements. Report of the trial Court dated 05.08.2017 has been received and as per this report, the parties have entered into a compromise and have settled their dispute.

Admittedly, since the appeal is pending before the lower appellate Court, the petitioner is relegated to his remedy by moving an appropriate application before the lower appellate Court for compounding the offence in view of the compromise.

The petitioner may obtain certified copy of the complete report dated 05.08.2017 and apply before the lower appellate Court for compounding the offence, in accordance with law.

Petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

28.11.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No