

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

**CRR No.1643 of 2017 (O&M)
Date of decision : September 22, 2017**

Harpal Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ravi Kumar Mattoo, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

Mr. Nitin Thatai, Advocate for respondent No.2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

The petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by the learned Judicial Magistrate 1st Class, Sirsa, vide judgment dated 04.02.2015 and sentenced to undergo rigorous imprisonment for six months vide order of sentence dated 06.02.2015.

As per custody certificate dated 14.09.2017, he has already undergone the sentence awarded to him and has been released on 01.09.2017.

Learned counsel for the petitioner does not press the present revision petition.

It comes out that the petitioner has submitted a demand draft of ₹15,000/- before this Court on May 03, 2017. The same was deposited with

the Registry. However, later on, the validity of the said demand draft

expired. Accordingly, the old demand draft was handed over to the learned counsel for the petitioner on 21.08.2017 for its revalidation and the petitioner was directed to bring the fresh demand draft before this Court on 15.09.2017. Thereafter, on 15.09.2017, the case was adjourned for today.

Learned counsel for the petitioner has stated that he is unable to contact the petitioner.

Apparently, the petitioner is not traceable as he has already undergone the sentence awarded to him. However, he cannot play trick with the Court by not revalidating the demand draft, which was handed over to his counsel with the direction to return a fresh demand draft for further handing over the same to the complainant.

In these circumstances, the present revision petition has become infructuous and is disposed of as such.

However, a direction is issued to the learned Chief Judicial Magistrate, Sirsa to recover the said amount (₹15,000/-) from the assets of the accused-petitioner and pay the same to the complainant.

(KULDIP SINGH)
JUDGE

September 22, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No