

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

CRR No. 1868 of 2017 (O&M)

Date of Decision: 18.09.2017

SUKHJINDER SINGH

... Petitioner

VS.

***PUNJAB BACKWARD CLASSES LAND DEVELOPMENT
AND FINANCE CORPORATION, CHANDIGARH.***

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Harvinder Singh Maan, Advocate,
for the petitioner.

Mr. J.R. Sayal, Advocate,
for the respondent.

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)

CRM-16835-2017

The present application has been filed under Section 5 of Limitation Act for condonation of delay of 132 days in filing the present criminal revision.

For the reasons enumerated in the application, the same is allowed. Delay of 132 days in filing the present criminal revision is hereby condoned subject to all just exceptions.

CRR No. 1868 of 2017 (O&M)

Learned counsel for the petitioner has stated that the entire cheque amount has been paid to the respondent-Corporation and no due certificate Annexure P-1 (Colly.) to this effect has been issued on behalf of the respondent-Corporation.

Learned counsel for the respondent also affirms that the entire payment of ₹23,000/-has been received. Therefore, the claim of the respondent has been satisfied. He also stated that the respondent has no

objection if the accused-petitioner is acquitted of the notice of accusation served upon him under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner has stated that the accused-petitioner is a poor person and that he is contesting the case of the accused-petitioner free of cost on the humanitarian grounds. He further stated that the accused-petitioner even tried to commit suicide in Jail. Therefore, he is unable to pay anything towards 15% of the cheque amount with the High Court Legal Services Committee in terms of the authority of the Hon'ble Supreme Court in case of "***Damodar S. Prabhu Vs. Sayed Babalal H.***" ; 2010 (5) SCC 663.

In view of the position explained above by the learned counsel for the accused-petitioner, he is exempted from depositing 15% of the cheque amount with the High Court Legal Services Committee.

As the matter has been settled amicably and the entire payment has been received by the respondent, therefore, the judgement dated 06.10.2016 passed by the learned Additional Sessions Judge, Mansa and the judgment of conviction and order of sentence dated 29.10.2013, passed by the learned Judicial Magistrate, Ist Class, Mansa are hereby set aside and the petitioner is acquitted of notice of accusation served upon him. Consequently, petitioner-Sukhjinder Singh, be released forthwith, if not required in any other case.

Accordingly, the present revision stands allowed to the above noted extent. Bail bonds and surety bonds of the petitioner stands discharged.

September 18, 2017

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No