

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

**CRM 26828-2017, CRM 26829-2017
in/and CRR 2831-2017
Date of decision : August 28, 2017**

Parminder Singh

Versus

M/s Baba Puran Dass Financial Services Ltd. and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr.Yogesh Goel, Advocate for the petitioner
Mr.Naresh Dilwari, Advocate for respondent No.1/complainant
Mr.C.L.Pawar, Sr.DAG Punjab

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 26828-2017

An application has been filed for placing on record the compromise deed dated 9.8.2017 (Annexure A1). Compromise deed is taken on record. CM stands allowed.

CRM 26829-2017 in/and CRR 2831-2017

Another application has been filed for permission to compound the offence. The complainant is present in Court along with counsel. He has affirmed the compromise and has filed his affidavit, stating that he has effected compromise. He has no objection if the petitioner is acquitted and released.

In view of the fact the permission is granted to compound the offence and the offence stands compounded.

Since, the offence has been lawfully compounded, the judgment passed by learned Judicial Magistrate 1st Class, Khanna convicting the

petitioner under Section 138 of Negotiable Instruments Act, 1881 and sentencing him to undergo rigorous imprisonment for one year and pay a fine of Rs.5000/-, in default of payment of fine to further undergo rigorous imprisonment for one month and judgment dated 15.5.2017, passed by learned Additional Sessions Judge, Ludhiana, affirming the judgment of learned Judicial Magistrate 1st Class, Khanna by dismissing the appeal, are hereby set aside. Since, the offence is lawfully compounded at the stage of High Court, therefore, in terms of judgment of Hon'ble Supreme Court in Damodar S. Prabhu vs. Sayed Babalal H., 2010 (2) SCC (Civil) 520 the petitioner is required to pay 15% of the cheque amount.

Learned counsel for the petitioner has stated that the petitioner is a poor man and is unable to pay 15% of the cheque amount as he is in custody. Therefore, a lenient view may be taken. The fine paid by the petitioner shall be treated as cost.

Keeping in view the financial condition of the petitioner, fine of Rs.5000/- paid by the petitioner shall not be refunded to him and shall be treated as cost towards the litigation to the State and be deposited under the appropriate head. The petitioner be released forthwith, if not required in any other case.

The application and revision petition stands disposed of accordingly.

28.08.2017
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned	Yes
Whether Reportable:	No