Sanjiv Kumar Sharma
2017.11.20 16:21
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 4240 of 2017 (O/M)
Date of decision : 17.11.2017

Rajesh Kumar ..... Revisionist

Versus

Baldev Raj and another ..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Revisionist in person with Mr. V.K. Gupta, Advocate.

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)

The learned counsel for revisionist presses the revision only on the point of compromise.

Notice of motion.

On behalf of complainant-respondent No. 1 Baldev Raj, Mr. Sahil Gambhir, Advocate, has put in appearance and filed Vakalatnama on his behalf and same is taken on record. Both the parties are also present in person.

Revisionist also filed an application for permission to place on record copies of compromise deed dated 17.11.2017 and affidavit of complainant-respondent No. 1 dated 17.11.2017 as Annexure-P-6 and Annexure-P-7 in Court today. Registry is directed to assign the number on application.

Application is allowed. Compromised deed dated 17.11.2017 and affidavit of complainant-respondent No. 1 dated 17.11.2017 (Annexure-P-6 and Annexure-P-7) are taken on record.

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It is stated that parties have compromised and payment of cheque amount of Rs. 2,00,000/- has been made to complainant-respondent No. 1 and nothing is due.

The learned counsel for complainant-respondent No. 1 has affirmed the compromise and has stated that he has no objection, if revisionist is acquitted of notice of accusation, served upon him.

The learned counsel for revisionist has also submitted demand draft No. 227476, dated 17.11.2017, of State Bank of India, High Court Branch, Chandigarh, for Rs. 30,000/- being 15% of cheque amount, payable to Legal Service Committee of this Court as composition fee, in terms of authority of Apex Court in Damodar S. Prabhu Versus Sayed Babalal H., 2010 (5) SCC 663, in Court today and same is taken on record. Let the said demand draft be sent to the Legal Service Committee of this Court after retaining photocopy thereof.

Since offence has been lawfully compounded, the judgment dated 15.9.2017, passed by the learned Sessions Judge, Kurukshetra, and the judgment of conviction and order of sentence dated 16.7.2016, passed by the learned Judicial Magistrate 1st Class, Kurukshetra, are hereby set aside and revisionist stands acquitted of notice of accusation, served upon him.

Revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

17.11.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No