

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 234

CRR-470-2017 (O&M)

Decided on : 11.05.2017

Bhupinder Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.S.Sekhon, Advocate, for the petitioner.

Mr.K.S.Sidhu, DAG, Punjab.

Mr.I.S.Dhaliwal, Advocate, for respondent No.2/complainant.

DEEPAK SIBAL, J. (ORAL)

The complainant/respondent No.2-Kulwinder Singh has filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short "the Act") on the ground that the petitioner had borrowed from him an amount of Rs.9 lakhs and in discharge of his liability, the petitioner had issued a cheque in his favour for Rs.9 lakhs which on presentation was dishonoured. The respondent then got served upon the petitioner a legal notice asking him to make the payment due to the respondent which the petitioner failed to do so, giving a cause to the respondent to file the afore-referred complaint. The petitioner having pleaded not guilty was put to trial and was found guilty. Resultantly, he was sentenced to rigorous imprisonment for a period of ten months alongwith compensation equivalent to the cheque amount.

The petitioner challenged the above conviction and sentence by way of an appeal before the Sessions Court at Patiala which through order dated 12.01.2017 was dismissed.

A perusal of the order passed by the appellate Court reveals that the petitioner was not present at the time when the order was pronounced by the appellate Court, resulting in issuance of non-bailable warrants against him. However, it is not disputed that thereafter the petitioner has surrendered before the trial court and is presently on bail.

The orders of the trial court as also the appellate Court have been challenged before this Court through the present petition during the pendency of which the petitioner has moved an application for compounding of the offence in view of the law laid down by the Apex Court in “Damodar Singh Prabhu vs. Sayed Babalal H” 2010 (2) RCR (Criminal) 851.

Counsel for the complainant admits that the petitioner has paid to the complainant the cheque amount. The receipt of having deposited 15% of the cheque amount with the High Court Legal Services Committee as costs has also been produced which is ordered to be taken on record as Mark 'A'.

In view of the above, as per the law laid down by the Apex Court in Damodar Singh Prabhu's case (supra), the offence for which the petitioner has been convicted, is ordered to be compounded.

The revision petition stands disposed of in the above terms.

11.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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