

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.5079 of 2015 (O&M)
DATE OF DECISION:-12.11.2018

JEEVAN PARKASH KHANNA

...PETITIONER...

V.

STATE OF PUNJAB AND ANR.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Isha Goyal, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

None for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

CRM-42398-2015

This is an application for condonation of delay of 720 days in filing the revision petition.

Heard.

In view of the compromise arrived at between the parties, delay of 720 days in filing the revision petition is condoned.

CRM stands disposed of.

Main case

As per office report dated 27.10.2017, in compliance to the order dated 14.09.2017, learned counsel for respondent No.2 has been notified to put in appearance to affirm or deny the alleged compromise pleaded by

the petitioner.

Learned counsel for the petitioner placing on record photocopy of order dated 05.01.2016 passed in CRM-M-24890-2015 (O&M) filed by the petitioner, contends that on the basis of compromise between the parties, the sentence of the petitioner has been suspended.

Since, despite service of respondent No.2 and again upon his counsel to affirm or deny the alleged compromise between the parties, none has come forward. Therefore, the alleged compromise between the parties dated 23.12.2015 (Annexure P-1 (colly) is considered as genuine.

Consequently, the impugned judgment of first appellate court dated 05.10.2013, affirming the judgment of conviction and order of sentence dated 01.03.2012, holding the petitioner guilty under Section 138 of the Negotiable Instruments Act (for short, "Act") and sentencing him to undergo rigorous imprisonment for a period of one year and pay fine of Rs.5000/-, in default thereof, to further undergo rigorous imprisonment, are set aside. Resultantly, complaint of respondent No.2 under the Act is dismissed as having been compromised, subject to deposit of Rs.90,000/- as cost in terms of judgment captioned as "***Damodar S. Prabhu v. Sayed Babulal H., 2010 (2) RCR (Criminal) 851***", with Punjab State Legal Services Authority, failing which, this order shall stand automatically cancelled.

List on 30.11.2018, for production of receipt with regard to deposit of aforesaid amount.

12.11.2018

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No