

CRR-26-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-26-2017 (O&M)

Date of decision: 15.01.2018

Suraj Parkash

...PETITIONER

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab.

Mr. Sanjeev K. Virk, Advocate,
for the complainant-respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present revision petition has been filed against the impugned judgment passed by the Appellate Court i.e. Additional Sessions Judge, Shaheed Bhagat Singh Nagar, dated 22.12.2016, whereby the appeal of the petitioner against the judgment dated 10.03.2015 passed by the Sub-Divisional Judicial Magistrate, Balachaur, was dismissed.

On 17.02.2017, when the case was taken up for hearing, the following order was passed:-

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Learned counsel for the petitioner submits that the petitioner is an old person but he is willing to return the entire cheque amount in four equal monthly instalments. He has brought first draft in the name of respondent No.2-Baljit Kaur

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amounting to ₹1,25,000/-. Notice of motion for 20.03.2017.

CRM-449-2017

In view of submission of learned counsel for the petitioner, the sentence of petitioner is suspended till the next date, subject to his furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

On the next date, the petitioner will bring another draft of ₹1,25,000/- for payment to the petitioner. In the event of draft being not submitted on the next date, the petitioner will surrender before the trial court on 20.03.2017 to undergo remaining period of sentence awarded to him.

The draft of ₹1,25,000/- brought by the petitioner be deposited with the Registrar, Judicial, who will keep the same in safe custody for payment to respondent No.2 on her appearance. It is, however, made clear that payment of cheque amount by petitioner has been taken into consideration only for the purpose of disposal of CRM-449-2017.”

Thereafter, from time to time, the payments have been made by the petitioner through demand drafts and cash.

Today, when the case was taken up for hearing, counsel for the petitioner states that out of total amount of Rs. 6,50,000/- due towards the petitioner, a sum of Rs. 5,55,000/- has already been paid and he is handing over the remaining amount of Rs. 95,000/- by way of bank draft drawn in the name of the complainant-respondent No. 2 Baljit Kaur.

Counsel for the complainant-respondent No. 2 Baljit Kaur

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accepts the factual assertions made by the counsel for the petitioner and also accepts the bank draft of Rs. 95,000/- handed over in Court today by the counsel for the petitioner.

In the light of the above, counsel for the complainant-respondent No. 2 states that he has no objection, in case the sentence of the petitioner is reduced to the period already undergone.

In view of the above, the present petition is disposed of by upholding the order passed by the learned Additional Sessions Judge, Shaeed Bhagat Singh Nagar dated 22.12.2016 qua conviction. However, the period of sentence awarded shall stand reduced to the period already undergone.

January 15, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No