

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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1. Criminal Revision No.4145 of 2017 (O&M)
Date of Decision: March 1st, 2018
Shekh Mohd. Rafiq ...Petitioner
Versus
State of Haryana and another ...Respondents

2. Criminal Revision No.4876 of 2017 (O&M)
Date of Decision: March 1st, 2018
Chaman Lal ...Petitioner
Versus
State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Satya Vir Singh Yadav, Advocate
for the petitioner (in CRR No.4145 of 2017).
Mr. Partap Singh, Advocate
for the petitioner (in CRR No.4876 of 2017).
Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Mr. Kuldeep Singh, Advocate, has put in appearance on behalf of respondent No.2 and filed power of attorney. Same is taken on record.

Petitioners have approached this Court for challenging the judgment dated 28.09.2017 passed by the Additional Sessions Judge, Ambala, affirming the judgment of conviction dated 06.01.2016 and order of sentence dated 08.01.2016 passed by Judicial Magistrate Ist Class, Ambala, who convicted and sentenced the petitioners as under:-

Sr. No.	Sections	Sentence
1	420 IPC	Rigorous imprisonment for two years and fine of ₹2,000/- each, in default, to further under simple imprisonment for one month.
2	120-B IPC	Rigorous imprisonment for two year and fine of ₹1,000/-, in default, to further under simple imprisonment for one month.

All the sentences were ordered to run concurrently.

While the cases were being heard, an offer had come from the side of petitioners that they would pay a total amount of ₹2,25,000/- to the complainant which includes the cheque amount of ₹2 lakh and an additional amount of ₹25,000/- as expenses which the complainant Rajan Sabharwal had claimed to have been spent by him. Two bank drafts one valuing ₹1,85,000/- and the other ₹40,000/- drawn in the name of the complainant were deposited with the Registrar (Judicial) of this Court.

Notice was issued to the complainant, who has come present today and has stated that he has no objection in case the said amount of ₹2,25,000/- is released to him and the sentence of the petitioners is reduced to the one which is already undergone by them. He also does not have any grievance in case the offences are compounded and the petitioners are, therefore, absolved of the charges framed against them and they are acquitted.

In the light of the statement made by the complainant, who is present in Court, which has been recorded above, these petitions are allowed by compounding the offences under Sections 420 and 120-B IPC, for which the petitioners were charged and accordingly they are acquitted of the charges.

The impugned judgments of conviction and order of sentence passed by the Courts below are hereby set aside.

The fine which has been deposited by the petitioners shall be forfeited to the State.

Petitioner-Shekh Mohd. Rafiq, who is still in custody,

PUNEET SACHDEVA is directed to be released from custody forthwith, if not required in any other
2018.03.05 15:24
I attest to the authenticity and
accuracy of this document
case.

Bail bond submitted by petitioner-Chaman Lal stands discharged.

The amount which stands deposited with the Registrar of this Court be released to the complainant on moving an appropriate application to the Registrar (Judicial) of this Court.

In the light of the decision of the revision petitions, CRM No.36239 of 2017 in CRR No.4145 of 2017 and CRM No.41703 of 2017 in CRR No.4876 of 2017 stand disposed of as infructuous.

Copy of this order be placed on the file of connected case.

Copy of this order be given ***dasti*** to the counsel for the petitioners under signatures of Bench Secretary of this Court.

March 1st, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No