

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRR No.4328 of 2017 (O&M)

Date of decision:11.5.2018

Virender Nath Nagpal

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Gaurav Rana, Advocate,
for the petitioner
Ms.Gurjot Grewal, Advocate,
for respondent no.2.

...

AMOL RATTAN SINGH, J. (Oral)

CRM-17180 of 2018

Pursuant to the order dated 6.2.2018, this application has been filed seeking to place on record the affidavit of the Honorary Secretary of the Sarv Bank Karamchari Coop. (SC) Thrift and Credit Society Limited, Karnal, along with a copy of the proceedings book containing therein the resolution of the society dated 9.12.2017, to the effect that the matter had been compromised between the petitioner and the society, with the petitioner having returned a sum of Rs.8,00,000/- to the society.

The application is allowed and the aforesaid affidavit and the copy of the proceedings book (including the photocopy of the vernacular version) are taken on record as Annexures A-1 and A-2 respectively with the accompanying petition.

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The petitioner having been convicted by the trial Court for the

commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and having been sentenced to two years imprisonment as also imposed a fine of Rs.1,000/-, with that judgment having been affirmed by the appellate Court and the appeal of the petitioner dismissed, yet as the matter has subsequently been compromised with the complainant, i.e. respondent no.2, with the petitioner having paid a sum of Rs.8,00,000/- to the complainant society, and the offence being compoundable at any stage in terms of Section 147 of the Negotiable Instruments Act, this petition is allowed and the judgments of the learned Courts below are set aside with the petitioner acquitted of the charge framed against him.

However, nothing is being stated by this Court with regard to the culpability or otherwise of respondent no.3, i.e. Rajiv Kapoor, Secretary of the Bank Workmen Coop. Society (SC) T & C Society Limited, Karnal, he, as per learned counsel for the petitioner, having been declared to be a proclaimed offender and consequently not having been tried.

11.5.2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No