

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRR-1798-2018 (O&M)

Date of Decision:13.11.2018

Ajaib Singh

.....Petitioner

Versus

The Kaithal DPARD Branch Guhla,
through its Branch Manager and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Rakesh Nagpal, Advocate,
for the petitioner.

Mr. Arun Sharma, Advocate,
for respondent No.1.

Mr. Anmol Malik, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition against the judgment dated 24.04.2018 passed by learned Additional Sessions Judge, Kaithal, whereby his appeal against the judgment of conviction and order of sentence dated 03.10.2016 passed by learned Sub-Divisional Judicial Magistrate, Guhla, in a complaint titled as “The Kaithal DPARD Versus Ajaib Singh” under Section 138 of the Negotiable Instruments Act, convicting him, was dismissed.

On 03.07.2018, this Court had passed the following order:-

“Vakalatnama filed on behalf of respondent No.1 in court today, is taken on record.

Learned counsel for the petitioner states that the

petitioner is ready to clear the outstanding amount within one month from today. Accordingly, the petitioner will approach the Bank to get the outstanding amount assessed and shall bring a bank draft of that amount.

Adjourned to 01.08.2018.

Meanwhile, in case, the petitioner surrenders before the Chief Judicial Magistrate, Kaithal within a week from today, he shall be admitted on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Kaithal.”

In this manner, the petitioner was given an opportunity to clear the outstanding amount. But on 01.08.2018, it was pointed out by learned counsel for the petitioner that the petitioner met with an accident and could not deposit the outstanding amount, an adjournment was sought. Though, there was no such material on record to support the contention regarding the accident of the petitioner, however, one last opportunity was granted to the petitioner to clear the outstanding amount. Thereafter on September 25, 2018, this Court has passed the following order:-

“Learned counsel for the petitioner states that the petitioner be granted one more opportunity to clear the outstanding amount as undertook by him on 03.07.2018.

Vide order dated 03.07.2018, this Court had admitted the petitioner on bail as he had made an offer that he will clear the outstanding amount within one month from 03.07.2018. Thereafter, the matter came up for hearing on 01.08.2018. Counsel requested one more opportunity, so as to clear the outstanding amount. The case was adjourned to 04.09.2018, which was thereafter adjourned for today i.e. 25.09.2018, but the amount so undertook by the petitioner has not yet been cleared. Now again there is a request for extension of time.

In view of the previous order, petitioner does not

deserve further extension, but still in the interest of justice, he is granted another opportunity to clear the outstanding amount within 15 days and to bring a bank draft in the name of respondent-Bank of the outstanding amount.

Adjourned to 12.10.2018.

It is made clear that in case the petitioner fails to clear the aforesaid assured amount on or before the date fixed, the present revision petition shall be liable to be dismissed without making any reference to the Court.”

Today learned counsel for the petitioner submits that petitioner is unable to comply with the order dated September 25, 2018.

I have heard learned counsel for the parties.

This Court finds that the petitioner was enjoying the interim relief of bail by making false pleas one after the other, including the plea that he met with an accident, despite there being no evidence to that effect. Repeated orders were passed by this Court, yet the same were not complied with by the petitioner as he has not deposited any amount towards the outstanding loan amount granted by the respondent-complainant bank.

The present revision petition is accordingly dismissed.

November 13, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No