

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-41726-2017 in CRR-4883-2017

Date of Decision: March 20, 2018

Punjab Singh @ Panja

.....Petitioner

versus

Oriental Bank of Commerce

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Kumar Sama, Advocate
for the applicant.

Mr. Devinder Singh, Advocate
for the respondent.

Sudhir Mittal, J. (Oral)

CRM-41726-2017

Learned counsel for the applicant submits that delay of 67 days in filing the revision petition took place because applicant was in judicial custody and sufficient funds were not available with him and his family members. It took time to arrange the funds and because of the said reason, delay of 67 days in filing the revision has taken place.

Learned counsel for the respondent states that there is no objection, if the delay of 67 days in filing the revision petition is condoned.

In view of the above, delay of 67 days in filing the revision petition is condoned.

CRR-4883-2017

The petitioner has been convicted under section 138 of Negotiable Instruments Act, 1881, and his appeal has also been dismissed. Thus, the present revision petition.

Learned counsel for the petitioner submits that the petitioner had taken the loan from the respondent-Bank by mortgaging his land and a cheque had also been given by way of security. The petitioner defaulted in payment of installments and therefore, the Bank presented the security cheque resulting in the conviction of the petitioner. Now, the amount due to the bank has been cleared and mortgaged property has been released and therefore, the dispute between the parties has been settled.

Learned counsel for the respondent admitted the submissions made hereinabove.

In view of the above, it would be just and appropriate to allow the revision petition. Accordingly, revision petition is allowed; judgement dated 10.08.2017, passed by the Additional Sessions Judge, Ferozepur as well as the judgment of conviction and order of sentence dated 24.10.2016, passed by Judicial Magistrate Ist Class, Ferozepur are set aside and the petitioner is accordingly acquitted.

March 20, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No