

CRR-947-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-947-2018 (O&M)

Date of Decision: 26th April, 2018

Kamaldeep

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Mikhail Kaid, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Mahipal S. Yadav, Advocate
for complainant-respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM-8979-2018

Prayer in this application is for condonation of 403 days in
filing the criminal revision petition.

Notice was issued in the application.

Mr. Mahipal S. Yadav, Advocate, has put in appearance on
behalf of complainant-respondent No.2 and filed his power of attorney. He
states that a compromise dated 13.05.2017 (Annexure P-1) has been entered
into between the parties. He has no objection in case the delay in filing the
criminal revision petition is condoned.

In the light of the statement of the counsel for complainant-
respondent No.2 in complaint which was preferred by him under Section
138 of the Negotiable Instruments Act, the present application is allowed.

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Delay of 403 days in filing the criminal revision petition stands condoned.

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Prayer has been made for compounding the offence in Complaint No.151 dated 27.01.2014 filed under Section 138 of the Negotiable Instruments Act with further prayer for quashing of the consequential proceedings arising therefrom in view of the compromise dated 13.05.2017 (Annexure P-1).

Briefly the facts of the case are that the above referred complaint under Section 138 of the Negotiable Instruments Act was filed by complainant-respondent No.2 with the allegation that two cheques, one bearing No.883140 dated 30.12.2013, amounting to ₹ 2 lakh and another bearing No.883141 dated 31.12.2013, also amounting to ₹ 2 lakh, both drawn on State Bank of Patiala, Main Branch, Ahmedgarh, issued by the petitioner, when presented in bank for encashment, were dishonoured with the remarks 'account closed'. In the trial, petitioner was found guilty and accordingly convicted and sentenced by the Judicial Magistrate First Class, Maler Kotla, to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹ 1,000/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days.

The appeal preferred by the petitioner was dismissed by the learned Additional Sessions Judge, Sangrur, on 24.10.2016. It is, thereafter, the present petition along with an application under Section 482 of Code of Criminal Procedure read with Section 147 of Negotiable Instruments Act has been filed on the basis of the compromise dated 13.05.2017 (Annexure

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P-1) for compounding of the offence.

Counsel for complainant-respondent No.2 acknowledges the factum of compromise, which has been entered into between the parties. He further states that he has specific instructions to state that the complainant would have no objection in case the offence is compounded as he has received the amount as per the compromise entered between the parties referred to above.

Keeping in view the above facts and circumstances and exercising the powers under Section 482 of the Code of Criminal Procedure read with Section 147 of the Negotiable Instruments Act, the offence, for which the petitioner was convicted and sentenced, is hereby compounded and judgments of conviction and orders of sentence passed by the Courts below are hereby set aside. Petitioner be released forthwith, if not required in any other case.

CRM-8981-2018 is allowed accordingly and the revision petition is disposed of in above terms.

CRM-8980-2018

In the light of the disposal of main revision petition, the present application has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

26th April, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No