

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2588-2013 (O&M)
Date of Decision: 26.2.2019

Sukhdarshan Singh

.....Petitioner

Versus

Naresh Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Akshay Jain, Advocate, for the petitioner.

Mr. Arihant Goyal, Advocate, for the respondent.

Harnaresh Singh Gill, J.

The petitioner was tried for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'). The Sub Divisional Judicial Magistrate, Budhlada, found the petitioner guilty for the aforesaid offence and sentenced him to undergo RI for one year and to pay a fine of Rs.1,000/- and, in default of payment of fine, to further undergo imprisonment for one month.

Aggrieved thereagainst, the petitioner preferred an appeal before the Sessions Judge, Mansa. However, vide order dated 1.8.2013, the Additional Sessions Judge, Mansa, had dismissed the appeal filed by the petitioner, thereby affirming

the findings recorded by the learned trial Court. Still aggrieved, the petitioner has preferred the present revision petition.

Today, when the matter came up for hearing before this Court, learned counsel for the petitioner states that the petitioner is a poor man and has limited resources, but he is ready to pay an amount of Rs.70,000/- to the respondent-complainant, in two instalments.

Keeping in view the fact that the petitioner has already undergone actual sentence of three months out of the total sentence of one year and further taking into account the fact that the petitioner is a poor person having limited resources to arrange the amount and in order to settle the dispute between the parties, I deem it appropriate to allow the prayer made by the learned counsel for the petitioner that the petitioner is ready to pay the amount of Rs.70,000/-.

Learned counsel for the respondent, on instructions from the respondent, has accepted the offer made by petitioner-Sukhdarshan Singh, who is present in Court today.

At this stage, learned counsel for the respondent has requested that the payment to the respondent be made at the earliest.

In view of the above, the present revision petition is disposed of with a direction that the petitioner shall pay the amount of Rs.70,000/- in two instalments within a period of two months. Subject to payment of the said amount, the impugned judgment of conviction and order of sentence dated 25.07.2011 passed by the learned Sub Divisional Judicial Magistrate,

Budhlada and the order dated 1.8.2013 passed by the learned Additional Sessions Judge, Mansa, shall stand set aside and the petitioner shall be acquitted of the charge leveled against him. However, if the petitioner fails to pay the amount as indicated above, the petition would stand automatically dismissed.

(HARNARESH SINGH GILL)
JUDGE

26.02.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No