

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

259

CRR-3894-2017

Date of decision: 18.11.2019

Bahadur Singh

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Saurabh Bhardwaj, Advocate for respondent No.2.

GIRISH AGNIHOTRI, J. (Oral)

The present petition has been filed under Sections 138 of Negotiable Instrument Act challenging the order of conviction dated 26.07.2016 and order of quantum dated 30.07.2016, passed by learned Judicial Magistrate, Ist Class, Kaithal.

The petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months. Against this order, the petitioner preferred a Criminal Appeal No.85 of 2016, which was also dismissed vide order dated 12.10.2017, passed by learned Additional Sessions Judge, Kaithal.

The petitioner then contends that accused-Bahadur Singh along with Telu Ram and Partap Singh availed crop loan for a sum of Rs.9,50,000/-, a term loan of Rs.3,90,000/- and Rs.85,000/- respectively from HDFC Bank Ltd., Kalayat, District Kaithal.

Custody certificate dated 17.11.2019 has been filed by learned State counsel in the Court today and the same is taken on record.

Today, when the case came up for hearing, Mr. Saurabh Bhardwaj, learned counsel appearing for respondent No.2, had filed a short affidavit dated 19.08.2019, wherein, it is stated that after the passing of the judgment of the learned trial Court dated 26.07.2016 and upheld by the learned Appellate Court vide judgment dated 12.10.2017, the petitioner-accused accepted his liability and approached the bank with a proposal to settle the matter. In consequence of the compromise, the applicant-Bank has recovered an amount of Rs.12,15,000/- as per settlement amount. It is further stated that the account of the petitioner-accused has been closed and the applicant-Bank does not want to pursue the above case against the petitioner. It is further submitted that the Bank has no objection if the offence against the petitioner is compounded.

In view of the affidavit filed by counsel for respondent no.2, this Court deems it appropriate to direct that the sentence of six months awarded to the petitioner is reduced to the period already undergone by the petitioner i.e. 22 days.

Revision petition is accordingly disposed of.

(GIRISH AGNIHOTRI)
JUDGE

18.11.2019
anju rani

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