

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRR No.3687 of 2018 (O&M)
Date of decision : 19.12.2019.

Gaurav Verma

.....Petitioner

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Neha Rana, Advocate, for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana

Mr. P.S.Poonia, Advocate
for respondent no.2.

ANIL KSHETARPAL, J. (ORAL)

Present revision petition has been filed against the judgment of conviction passed by learned Chief Judicial Magistrate, Sirsa, while deciding criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881, sentencing the petitioner to undergo rigorous imprisonment for a period of 2 years and to pay a sum of Rs.12,00,000/- to the complainant as compensation.

Appeal against the judgment has been dismissed.

On 01.11.2018, following order was passed:-

“Criminal Revision No.3687 of 2018

Notice of motion for 27.02.2019.

The photostat copy of both the courts below be also called for the date fixed.

Criminal Misc No.39229 of 2018

Prayer in the present application is for suspension of sentence of applicant-petitioner Gaurav Verma, who has been convicted and sentenced to undergo rigorous imprisonment for a period of 02 years and to pay a sum of Rs.12,00,000/- as compensation to the complainant

and in default of payment of compensation, he shall further undergo imprisonment for a period of 06 months under Section 138 of the Negotiable Instruments Act (in short 'the Act') in criminal Complaint No.1162/2 dated 12.11.2013, registered under Section 138 of the Act, vide judgment of conviction dated 22.03.2016 and order of sentence dated 28.03.2016, passed by the learned Chief Judicial Magistrate Sirsa. Against the said judgment of conviction and order of sentence, the applicant-petitioner preferred an appeal. The learned appellate court while enhancing the compensation to Rs.14,00,000/-, dismissed the appeal vide judgment dated 12.10.2018.

Feeling aggrieved against the both the aforesaid judgments and order of sentence, the applicant-petitioner filed a revision petition in which notice of motion has been issued.

It is mentioned in the judgment dated 12.10.2018, passed by the learned appellate court that the petitioner has paid Rs.5,00,000/- to the complainant. Now, the petitioner is ready to pay Rs.3,00,000/- to the complainant.

Keeping in view the facts and circumstances of the case, the criminal miscellaneous application is allowed and the sentence of the applicant-petitioner shall remain suspended during the pendency of revision petition subject to deposit of Rs.3,00,000/- by way of demand draft before the concerned Chief Judicial Magistrate/Duty Magistrate. He is admitted to bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to the following conditions:-

- (i) That the applicant-petitioner will not leave the country without the prior permission of this Court;*
- (ii) That he will maintain peace and be of good behaviour.*

In case, the applicant-petitioner deposit an amount of Rs.3,00,000/- by way of demand draft before the concerned Chief Judicial Magistrate/Duty Magistrate, the same shall be handed over to complainant against proper receipt.”

Respondent no.2 is present in Court along with his counsel. It has been stated that the petitioner has paid Rs.14,00,000/- in full and final settlement of the claim and he has no objection if the offence is permitted to be compounded.

Keeping in view the aforesaid facts, since the offence is under

Section 138 of the Negotiable Instruments Act, 1881 is permitted to be

compoundable, therefore, offence is permitted to be compounded.

In view thereof, the present petition is disposed of. The judgment of conviction and order of sentence shall ceased to operate.

December 19, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No