

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-297-MA of 2016 (O&M)
Date of Decision: 17.12.2019

Parmod Kumar

.....Applicant

Vs.

Vikas Rehaja

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: - Mr. Raman Sharma, Advocate
for the applicant.

Mr. Abinashi Singh, Advocate
for the respondent.

HARNARESH SINGH GILL, J.

CRM-38282-2019

This is an application for placing on record statement of the respondent and applicant-complainant as Annexure R-1 and R-2 respectively and copy of deposit receipt (Annexure R-3).

Application is allowed as prayed for.

Annexures R-1 to R-3 are taken on record.

CRM-A-297-MA-2016 (O&M)

Special leave to appeal has been sought against the impugned judgment dated 17.9.2015 vide which the respondent was released on probation and directed to pay compensation to the applicant under Section 357(3) Cr.P.C. to the tune of the cheque amount and interest @ 9% per

The sole grievance of the applicant, who was the complainant before the trial Court, is that the learned trial Court while granting the benefit of probation to the respondent did not award sufficient compensation to the complainant and rather directed him to deposit the cheque amount of Rs. 35,000/- along with interest @ 9% per annum from the date of cheque till realization.

During the course of the present proceedings, the respondent has filed CRM No. 38282 of 2019 for placing on record the statements of the parties recorded before the trial Court and the receipt showing the deposit of Rs. 49,000/- in the Treasury/Sub Treasury at Jalandhar.

Learned counsel appearing for the respondent has contended that the respondent is ready to pay amount of Rs. 20,000/- over and above the amount of Rs. 49,000/- already deposited with the Treasury at Jalandhar.

The said offer is acceptable to the learned counsel for the applicant.

In view of the above, the parties are allowed to compound the offence under Section 138 of the Negotiable Instruments Act, 1881. Consequently, on payment of entire amount i.e. the amount already deposited in the treasury and the amount of Rs. 20,000/- to the complainant, the impugned judgment passed by the learned Judicial Magistrate dated 17.9.2015 qua conviction be set aside and the respondent shall be acquitted of the accusation of charge.

The amount already deposited with the treasury at Jalandhar shall be disbursed to the complainant. The amount of Rs. 20,000/- shall be paid by the respondent to the applicant-complainant within a period of 15 days from the date of receipt of certified copy of the order.

The application seeking leave to appeal stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

December 17, 2019

Gurpreet

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No