

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

CRR-491-2020 (O & M)

Date of Decision: 22.07.2020

Hari Chand

... Petitioner

Versus

Indian Overseas Bank

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashok Kumar Sama, Advocate,
for the petitioner.

Mr. Parveen K. Kataria, Advocate,
for the respondent-bank.

HARNARESH SINGH GILL, J.(Oral)

Case is being taken up for hearing through video conferencing.

CRM-16524-2020

This is an application under Section 482 Cr.P.C. for early hearing of the revision which is fixed for 15.10.2020.

Notice of the application.

Mr. Parveen K. Kataria, Advocate, puts in appearance on behalf of the respondent-bank and pleads that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the revision petition is preponed for today and taken up on Board for hearing.

CRM-6039-2020

This is an application under Section 5 of the Limitation Act for the condonation of delay of 2745 days in filing the revision.

Learned counsel for the respondent-bank states that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed. Delay of 2745 days in filing the revision is condoned.

Main Case:

This is a revision petition challenging the judgment dated 06.08.2012 passed by the learned Additional Sessions Judge, Ferozepur, whereby the appeal filed by the petitioner was dismissed and judgment of conviction and order of sentence dated 04.11.2011 passed by the learned Judicial Magistrate Ist Class, Abohar, convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, was upheld.

On 17.02.2020, learned counsel for the petitioner stated that compromise had been effected and thus prayed for compounding the offence in view of law laid down in Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (2) RCR (Criminal) 851.

Learned counsel for the respondent-bank does not dispute the factum of the compromise effected between the parties. He states that the

due amount of Rs. 95,000/- has been paid by the petitioner to the respondent-bank and the accounts have already been settled. He further states that he has no objection, if the offence is compounded and the petitioner is acquitted of the notice of accusation while setting aside the impugned judgments and order passed by the courts below.

Keeping in view the settlement between the parties, the compounding of offence is allowed and as a necessary consequence thereof, the judgments and order passed by the Courts below is set aside; the petitioner is acquitted of the notice of accusation served upon him; the complaint filed by the complainant is dismissed and he shall be released forthwith, if not required in any other case, subject to him depositing Rs.10,000/- with the Punjab State Legal Services Authority as costs. It is made clear that if the petitioner fails to deposit the aforesaid costs, the present petition shall stand dismissed and the judgments and order passed by the courts below will become operative.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

22.07.2020

Mangal Singh

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