

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

**Crl. Misc. No. 23252 of 2020 in
Crl. Misc. No. 4234 of 2020 in/and
CRR No. 1884 of 2018
Date of decision: 26.10.2020**

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Rajesh Partap Singh

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Amit Choudhary, Advocate,
for the applicant-petitioner.

Mr. Anant Kataria, DAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

Crl. Misc. No. 23252 of 2020

Application has been filed for preponement of Crl. Misc. No.
4234 of 2020, which is pending for 10.12.2020.

For the reasons given in the application duly supported by
affidavit, the application is allowed.

Hearing of Crl. Misc. No. 4234 of 2020 is preponed to today.

Crl. Misc. No. 4234 of 2020

Application has been filed for restoration of the main revision
petition and to allow the compounding of the offence.

Keeping in view the observations made in the order dated
10.01.2019 whereby the revision was dismissed for want of prosecution for
non-compliance of the order dated 30.11.2018, the application is allowed.

Resultantly, the main revision petition is taken on Board for hearing today itself.

CRR No. 1884 of 2018

Counsel for the petitioner submits that in pursuance of the order dated 07.02.2020 passed in connected case i.e. C.R.R. No. 1906 of 2018, the petitioner had deposited Rs.1,15,000/- in total i.e. 50% of the amount i.e. Rs.57,500/- has been deposited with the PGIMER, Chandigarh and remaining half amount of Rs.57500/- has been deposited with the Haryana State Legal Services Authority. Photocopy of the receipts have been also placed on record today. The original receipts are already on record in CRR No. 1906 of 2018, record of which has been perused.

In the present revision petition, challenge has been laid to the judgment dated 16.02.2017 of the Judicial Magistrate Ist Class, Faridabad wherein, the petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 on account of the bouncing of the cheque of Rs.2,00,000/- dated 25.09.2014 on account of the insufficiency of funds. He was directed to undergo simple imprisonment for a period of 6 months and to pay compensation of Rs.3,00,000/- to the complainant. During the proceedings before the Appellate Court, a compromise was arrived at that the complainant would be paid a sum of Rs.5,50,000/- as full and final settlement in 6 installments since another complaint had been filed in which the petitioner had been sentenced on account of bouncing of two cheques for Rs.5,00,000/- and Rs.2,00,000/-, which was subject matter of C.R. No. 1906 of 2018.

However, since the petitioner failed to pay the amounts as per

the installments in terms of the compromise (Ex.C-1), the Appellate Court, vide order dated 17.03.2018, had maintained the sentences imposed by the JMICs and liberty was given to recover the compensation of Rs.5,50,000/-. The second compromise dated 15.05.2018 was then effected (Annexure P-1) wherein, a sum of Rs.3,50,000/- was to be paid to the complainant. While issuing notice of motion on 29.05.2018. the remaining portion of sentence of imprisonment of the petitioner was suspended keeping in view the compromise which had been effected in the present case and the connected CRR No. 1906 of 2018. In view of the compromise as such, the offence being compoundable the revision had been accepted and the judgment of the Trial Court was modified to the extent that the sentence awarded to the petitioner has been reduced to the period already undergone by him.

In view of the above facts since the parties have arrived at a compromise, the Court is of the opinion that the offence being compoundable under Section 320 Cr.P.C, the main revision petition is liable to be accepted.

Accordingly, the judgments of the Courts below are modified to the extent that the sentence awarded to the petitioner is reduced to the period already undergone by him in view of the compromise. Resultantly, the petitioner need not be taken in custody to undergo the remaining part of the sentence.

Disposed of in the above terms.

26.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No