

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-235-2019 (O&M)

DATE OF DECISION: SEPTEMBER 17, 2021

RAKHI

...PETITIONER

VERSUS

DR. VED CHUGH & ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SAPAN DHIR, ADVOCATE
FOR THE PETITIONER.

MR. RAJEEV ANAND, ADDL.P.P.,
FOR RESPONDENT-U.T. CHANDIGARH.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this revision petition impugning the judgment dated 10.5.2018, passed by the Addl. Sessions Judge, Chandigarh whereby the judgement dated 1.12.2017, passed by the Judicial Magistrate 1st Class, Chandigarh in complaint case under Section 138 Negotiable Instruments Act, 1881 was upheld.

On 30.1.2019, the following order was passed:

“Learned counsel for the petitioner contends that after dismissal of the appeal against the judgment of conviction and order of sentence passed by the trial Court for offence under Section 138 of Negotiable Instruments Act, 1881, the parties have entered into a compromise. Reliance as been placed upon a compromise dated 05.10.2018 (Annexure A-1). It is pointed out that against the cheque amount of Rs.14,25,000/- sum of Rs.9,00,000/- has been agreed to be paid by the convict which has been accepted by the complainant. A sum of Rs.7,00,000/- has already been paid through three different demand drafts/NEFT.

Learned counsel further contends that the remaining amount of Rs.2,00,000/- will be handed over to the complainant before this Court on the next date of hearing. There appears to be chances of compounding the offence.

Notice of motion for 09.04.2019.

Learned counsel further contends that pursuant to the judgment dated 10.05.2018 passed by the Appellate Court, the petitioner has not surrendered.

Let the petitioner appear before the Chief Judicial Magistrate and on her appearance she shall be released on interim bail subject to her furnishing requisite bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.”

Learned counsel for the petitioner-convict has stated that the above order was conveyed to the petitioner, but she is not in contact with him.

Mr. Rajeev Anand, learned Addl.P.P. for U.T., Chandigarh has stated that respondent No.1 has not received the agreed amount to be paid by the convict for compounding the offence and above all, she has not even complied with the order dated 30.1.2019.

It is apparent that the convict has neither complied with the order passed by the appellate Court nor by this Court. Therefore, no ground is made out for exercising the revisional jurisdiction by this Court.

Petition is dismissed. All the pending miscellaneous applications, if any, are also dismissed.

September 17, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No