

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-261-2019 (O&M)

Date of decision: - 27.09.2021

Jyoti

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Advocate General, Punjab.

Mr. Rahi Mehra, Advocate
for respondent No.2.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present criminal revision petition, the challenge is to order dated 09.03.2017, passed by the Judicial Magistrate 1st Class, Amritsar, by which, the petitioner was convicted for violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of two years and was also directed to pay a compensation of Rs.3,50,000/- and also to order dated 15.01.2019, passed by the Additional Sessions Judge, Amritsar, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the parties submits that in the present case the parties have already entered into a compromise, according to which, petitioner is required to pay a sum of Rs.3,00,000/- as a full and final payment to respondent No.2. Learned counsel for the petitioner further submits that a draft amounting to Rs.3,00,000/-, bearing No.687934 dated 21.09.2021 has already been prepared in favour of Mr.Varinder Vohra-respondent No.2, which is being handed over to learned counsel appearing on behalf of respondent No.2 for onward transmission to respondent No.2 and therefore, as the petitioner has discharged his liability to the satisfaction of respondent No.2, the conviction ordered by the Court below may kindly be re-considered, keeping in view the facts and circumstances that exists as of now. Learned counsel for the petitioner prays that his oral prayer for compounding the offence may kindly be accepted.

Learned counsel for respondent No.2 submits that after the receipt of Rs.3,00,000/-, no further payment is to be paid by the petitioner and petitioner has satisfied all the claims to the satisfaction of respondent No.2.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per Section 320(6) of the Cr.P.C, the High Court or the Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence. In the present case, it is not disputed by the respondents that the offence, for which, the petitioner has been charged and convicted is

compoundable. Once, the parties have amicably resolved their dispute and respondent No.2 has already stated before this Court that the petitioner has discharged his liability to his satisfaction and the learned Counsel appearing for respondent No.2 raises no objection to the prayer of the petitioner for compounding the offence, it is a fit case, where this Court needs to exercise the jurisdiction of compounding of offence. Accordingly, keeping in view the facts and circumstances noticed hereinbefore, the present revision petition is accepted and the offence, for which, the petitioner is charged is compounded and the judgment dated 09.03.2017, passed by the Judicial Magistrate 1st Class, Amritsar, and judgment dated 15.01.2019, passed by the Additional Sessions Judge, Amritsar are set aside and the accused is ordered to be acquitted.

CRM-3644-2019 and
CRM-3645-2019

Applications stand disposed of keeping in view the order passed in the main criminal revision petition.

(HARSIMRAN SINGH SETHI)
JUDGE

September 27, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No