

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-7806-2020 in/and
CRR No.443 of 2020 (O&M)
Date of Decision : 17.08.2021

Kuldeep

...Petitioner

Versus

State of Haryana and another

...Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjay Verma, Advocate for the applicant-petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. U.K. Agnihotri, Advocate for respondent No.2-Bank.

Harsimran Singh Sethi, J. (Oral)

CRM-7806-2020

Present application has been filed under Section 147 of the Negotiable Instruments Act, 1881 read with Sections 320(6) 401 and 482 of the Cr.P.C seeking compounding of offence.

Learned counsel for the applicant-petitioner submits that the matter has been compromised between the petitioner and the respondent-Bank as the petitioner has already cleared all the dues of the Bank to their satisfaction.

Notice of the application to the counsel opposite.

Mr. Gaurav Bansal, AAG, Haryana, who is appearing on behalf of the respondent-State and Mr. U.K. Agnihotri, Advocate, who is appearing on behalf of the respondent No.2-Bank accepts notice on behalf of the respondent-State and respondent No.2 Bank respectively.

Learned counsel for respondent No.2-Bank does not dispute the factum that the due amount has already been paid by the petitioner to the satisfaction of the respondent-Bank.

On the joint request of the learned counsel for the parties, the main petition i.e. CRR No.443 of 2020 is taken up for hearing.

CRR No.443 of 2020

In the present criminal revision petition, the challenge is to order dated 06.04.2017 passed by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhari, 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 one year and was also directed to pay a compensation of Rs.1,40,000/-and also to order dated 28.01.2020 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhari, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioner argues that during the pendency of the present criminal revision petition, the parties have entered into a compromise and the petitioner has already discharged his liability to the satisfaction of the respondent-Bank and, therefore, 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 appearing for the respondent-Bank submits that as per his instructions received from the respondent-Bank, the liability has already been discharged by the petitioner to the satisfaction of the Bank and certificate to this effect has also been given to the petitioner, which has also been produced by the petitioner before this Court. Learned counsel for the respondent-Bank submits that he has no objection, in case, the offence, for which, the petitioner has been charged is compounded.

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 the respondent-Bank has already stated before this Court that the petitioner has discharged his liability to their satisfaction and the learned Counsel appearing for the respondent-Bank 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 06.04.2017 passed by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhari and judgment dated 28.01.2020 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhari are set aside and the accused is ordered to be acquitted.

CRMs-5377, 5378 & 5380 of 2020

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

August 17, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No