

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRR-3969-2016 (O&M)

Date of Decision : October 05, 2021

Ravinder Mohan

.. Petitioner

Versus

Ashok Kumar

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Pushpinder Kaushal, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present criminal revision petition, the challenge is to order dated 10.09.2015 passed by the learned Sub Divisional Judicial Magistrate, Khanna, 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.3,95,000/- and also to order dated 12.09.2016 passed by the learned Additional Sessions Judge, Ludhiana, 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 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 submits that as per his instructions received from the respondent, the liability has already been discharged by the petitioner to the satisfaction of the respondent and 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 respondent 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 has already stated before this Court that the petitioner has discharged his liability to his satisfaction and the learned Counsel appearing for the respondent 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 10.09.2015 passed by the learned Sub Divisional Judicial Magistrate, Khanna and judgment dated 12.09.2016 passed by the learned Additional Sessions Judge, Ludhiana are set aside and the accused is ordered to be acquitted.

The above order, will be subject to the payment of Rs.15000/- as cost to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch, by the petitioner.

CRMs-39396 & 34044 of 2016

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

October 05, 2021*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No