

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR No.1372 of 2019 (O&M)

Date of Decision : 11.11.2021

Balwinder Singh

...Petitioner

Versus

R.S. Textiles and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Matinder Singh Brar, Advocate for the petitioner.

Mr. Ashish Pal Kaushal, Advocate for respondent No.1.

Mr. Kirat Singh Sidhu, DAG, Punjab for respondent
No.2-State.

Harsimran Singh Sethi, J. (Oral)

CRM-18468-2019

As prayed for, application is allowed.

CRR No.1372 of 2019

In the present criminal revision petition, the challenge is to order dated 07.07.2017 passed by the Judicial Magistrate 1st Class, Bathinda, by which, the petitioner was convicted for violating the provisions of Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of one year with fine of Rs.2000/-and also to order dated 09.05.2019 passed by the

Additional Sessions Judge, Bathinda by which, the appeal of the petitioner

against the judgment of conviction was dismissed.

Learned counsel for the petitioner submits that keeping in view the undertaking given by the petitioner before this Court on 26.10.2021, the petitioner has surrendered before the jail authorities on 08.11.2021.

The said fact is not disputed by the learned State counsel.

Learned counsel for the petitioner submits that the parties have entered into a compromise and the petitioner has already paid the amount to to the satisfaction of the proprietor of respondent No.1 and as the charge is compoundable, the oral prayer of the petitioner for compounding the offence may kindly be accepted and the conviction ordered by the Court below may kindly be reconsidered, keeping in view the facts and circumstances that exists as of now.

Learned counsel appearing for the respondent No.1 submits that as per his instructions, the liability has already been discharged by the petitioner to the satisfaction of the respondent No.1. Learned counsel for the respondent No.1 submits that he has no objection, in case, the offence, for which, the petitioner has been charged and convicted is compounded and petitioner is acquitted.

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 No.1 has already stated before this Court that the petitioner has discharged his liability to its satisfaction and the learned Counsel

appearing for the respondent No.1 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 subject to the payment of Rs.15,000/- 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 Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioner. The judgment dated 07.07.2017 passed by the Judicial Magistrate 1st Class, Bathinda and judgment dated 09.05.2019 passed by the Additional Sessions Judge, Bathinda are set aside and the accused is ordered to be acquitted.

CRM-18475-2019

In view of the order passed in the main petition, the present application stands dismissed as infructuous.

November 11, 2021*aarti***(HARSIMRAN SINGH SETHI)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*