

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CRR No. 1535 of 2021 (O&M)
Date of Decision : 25.11.2021

Kamal

...Petitioner

Versus

Sunil Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Piyush Setia, Advocate for the petitioner.

Mr. Ravish Bansal, Advocate for the respondent/complainant.

Harsimran Singh Sethi J. (Oral)

CRM-40154-2021

Present application has been filed to place on record
compromise dated 16.11.2021 as Annexure P-1.

The application is allowed and compromise dated 16.11.2021
as Annexure P-1 is taken on record.

CRR No. 1535 of 2021 and CRM-40160-2021

CRM No. 40160 of 2021 has been filed for compounding the
offence for which petitioner has been convicted.

In the present criminal revision petition, the challenge is to
order dated 05.09.2016 passed by the Sub Divisional Judicial Magistrate,
Abohar, 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 alongwith fine of Rs. 1,000/- and also to order dated 10.11.2021 passed by the Additional Sessions Judge, Fazilka, 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 entire satisfaction of the respondent/complainant and, therefore, the conviction of petitioner 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 prayer for compounding the offence may kindly be accepted.

Learned counsel appearing for the respondent submits that as per his instructions from the respondent, the claim of the respondent/complainant has been satisfied to his satisfaction. Learned counsel for the respondent submits that he has no objection, in case, the offence, for which, the petitioner has been charged and convicted, 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 respondent has already stated before this Court that his claim has been

satisfied 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 of this case noticed hereinbefore, the present revision petition is accepted and the offence, for which, the petitioner is charged, is compounded and the judgment dated 05.09.2016 passed by the Sub Divisional Judicial Magistrate, Abohar and judgment dated 10.11.2021 passed by the Additional Sessions Judge, Fazilka are set aside and the accused is ordered to be acquitted, subject to payment of cost of Rs.15,000/- 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.

CRM-40158 of 2021

Application has become infructuous keeping in view the order passed in the main criminal revision petition.

November 25, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes