

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRR-2633 of 2019 (O&M)
Date of Decision : 25.08.2021

Ved Parkash

...Petitioner

Versus

HDFC Bank Limited

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Harpreet Pal Singh Rakhra, Advocate for the petitioner.

Mr. Saurabh Bhardwaj, Advocate for the respondent-Bank.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the 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.

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.

In the present criminal revision petition, the challenge is to order dated 06.05.2019 passed by the Judicial Magistrate 1st Class, Kaithal by which, the petitioner was convicted for violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo simple imprisonment for a period of six months and to pay compensation to the

tune of Rs.7,80,000/- i.e. the amount of cheque in terms of Section 357(3) Cr.P.C -and also to order dated 25.09.2019 passed by the Sessions Judge, Kaithal 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 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 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 06.05.2019 passed by the Judicial Magistrate 1st Class, Kaithal and dated 25.09.2019 passed by the Sessions Judge, Kaithal are set aside and the petitioner is ordered to be acquitted.

CRM-31247 of 2019

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

August 25, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No