

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(225)

CRR-807-2018 (O&M)

Date of Decision : September 29, 2021

Smt. Snehlata Sharma

.. Petitioner

Versus

Sh. Anup Kumar

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Tanwar, Advocate, for the petitioner.

Mr. Rohit Mittal, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

Present criminal revision petition has been filed against the order of the Judicial Magistrate Ist Class, Narnaul dated 05.08.2015 by which, the petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, 1881 and was awarded with the sentence of imprisonment for a period of one year alongwith the compensation of Rs.1,50,000/- as well as the order passed by the Additional Sessions Judge, Narnaul dated 22.02.2018 by which, the appeal filed by the petitioner was dismissed.

Learned counsel for the petitioner submits that during the pendency of the present revision petition, the parties have already compromised their dispute vide compromise deed dated 15.11.2019 wherein, the petitioner has already settled down the claim of the respondent to his satisfaction and therefore, on the oral request of the petitioner, the

offence may kindly be compounded and conviction of the petitioner may kindly be set-aside.

Learned counsel for the respondent concedes that parties have compromised their dispute and the petitioner has already settled down the claim to the satisfaction of the private respondents and he does not have any objection in case, the offence is compounded by accepting the oral request of the petitioner.

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 05.08.2015 passed by the Judicial Magistrate 1st Class, Narnaul and judgment dated 22.02.2018 passed by the Additional Sessions Judge, Narnaul 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.

CRM-7709-2018

As the main criminal revision petition has been accepted, the application seeking suspension of sentence has been rendered as infructuous and is disposed of as such.

September 29, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No