

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CRR No. 2726 of 2018 (O&M)

Date of Decision : 20.12.2021

M/s Sai Rice & General Mills and another

...Petitioners

Versus

Punjab Agro Foodgrains Corporation Ltd., Patiala

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ferry Sofat, Advocate for the petitioners.

Mr. B.R. Bansal, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

CRM-39511-2021

As the main case is listed for today, application has become infructuous.

CRM-43724-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRR No. 2726 of 2018, which now stands adjourned to 27.01.2022.

Learned counsel for the applicant-petitioners argues that the present is a case, where the prayer of the applicant-petitioners is for compounding the offence on the basis of compromise and, therefore, the hearing of the main petition i.e. CRR No. 2726 of 2018 may kindly be preponed.

Notice of the application to the counsel opposite.

Mr. B.R. Bansal, Advocate, who is present in Court, accepts notice on behalf of the respondent and has no objection for the grant of the prayer as raised in the present application.

Keeping in view the joint request of learned counsel for the parties, the main petition i.e CRR No. 2726 of 2018 is preponed from 27.01.2022 to today and is taken up for hearing.

CRR No. 2726 of 2018 and CRM No. 39512 of 2021

CRM No. 39512 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 08.12.2014 passed by the Judicial Magistrate Ist Class, Patiala, 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 two years alongwith compensation equivalent to half of the cheque amount and also to order dated 22.07.2016 passed by the Additional Sessions Judge, Patiala, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioners argues that during the pendency of the present criminal revision petition, the parties have entered into a compromise and the petitioners have already discharged their liabilities 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 and the petitioners are

ready to bear the cost of utilizing the valuable time of Courts.

Learned counsel appearing for the respondent submits that as per his instructions from the respondent, the claim of the respondent/complainant has been fully satisfied to the satisfaction of Corporation. 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 application for compounding the offence and the present revision petition are accepted and the offence, for which, the petitioner is charged, is compounded and the judgment dated 08.12.2014 passed by the Judicial Magistrate Ist Class, Patiala and judgment dated 22.07.2016 passed by the Additional Sessions Judge, Patiala are set aside and the accused is ordered to be acquitted, subject to payment of cost of Rs. 25,000/- 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.

December 20, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes