

107 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-236-2022 (O&M)

Date of Decision: 07.02.2022

Amandeep Singh

..... Petitioner

Versus

Bhupinder Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kamaljeet Singh Mamrat, Advocate,
for the petitioner.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

CRR-236-2022:

The present revision petition has been filed challenging the order of conviction and sentence awarded to the petitioner under Section 138 of the Negotiable Instruments Act, 1881, dated 14.09.2017, passed by the Judicial Magistrate Ist Class, Moga [hereinafter referred to as 'trial Court'] as well as the judgment dated 21.12.2021, passed by the Additional Sessions Judge, Moga [hereinafter referred to as 'Appellate Court'], dismissing the appeal against the said order of conviction and sentence awarded to the petitioner.

Learned counsel for the petitioner submits that in the present case, the parties have already settled their dispute and the petitioner has also paid the due amount to the complainant to his full satisfaction. Learned counsel further submits that on his oral prayer, the offence for which the petitioner was convicted, be compounded as the same is compoundable and

the orders dated 14.09.2017 and 21.12.2021, passed by the Courts below,

convicting and sentencing the petitioner and dismissing his appeal, respectively, be set aside. Learned counsel also submits that the petitioner is ready to deposit the costs for consuming the valuable time of the Courts.

Notice of motion.

Mr. Kamal Narula, Advocate, who has joined the proceedings through video conference, accepts notice on behalf of the complainant/respondent No.1.

Mr. Sandeep Singh Deol, DAG, Punjab, who has also joined the proceedings, keeping in view the service of advance copy of the petition, accepts notice on behalf of the State/respondent No.2.

Learned counsel appearing on behalf of the complainant/respondent No.1 concedes the factum that the parties have already compromised their dispute and the complainant has received his dues to his entire satisfaction. Learned counsel for respondent No.1 further submits that he has no objection in case the oral prayer of the petitioner for compounding the offence is accepted and conviction and sentence are set aside.

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 complainant has already stated before this Court that the petitioner has discharged his liability to his entire satisfaction and the learned Counsel appearing for the complainant raises no objection to the prayer of the

petitioner for compounding the offence, it is a fit case, where this Court needs to exercise its jurisdiction for compounding the offence.

Accordingly, keeping in view the facts and circumstances noticed hereinbefore, the present petition is accepted and the offences, for which the petitioner is charged, convicted and sentenced are compounded and the judgment dated 14.09.2017, passed by the learned trial Court and judgment dated 21.12.2021, passed by the learned Appellate Court are set aside and the accused is ordered to be acquitted.

The above order will be subject to the payment of Rs.15,000/- as cost, to be deposited with Prabh Aasra, Unit of Universal Disabled Care Taker Social Welfare Society (who are maintaining orphans) in Bank Account No.014894600000970, S.C.O. 151-152, Sector-9C, Chandigarh or Account No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch, by the petitioner.

CRM-3812-2022:

Keeping in view the order passed in main Criminal Revision Petition, present application has been rendered infructuous and is disposed of as such.

07.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes / No
2. Whether reportable: Yes / No