

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRR-681-2022 (O &M)
Date of decision: 16.05.2022

JATINDER PAL

.....Petitioner

Versus

NARESH KUMAR AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Sansar Kundu, Advocate
for respondent No. 1

Mr. Bhupender Beniwal, AAG, Punjab
for respondent No. 2/State.

SURESHWAR THAKUR, J. (ORAL)

CRM-13508-2022

1. Considering the valid, and, good reasons, as meted in the application, for condoning the apposite delay of 124 days, therefore, the application is allowed.

2. Delay of 124 days in filing the petition, is condoned.

CRR-681-2022 (O &M)

1. The accused-petitioner has faced the notice of accusation,

qua an offence contemplated, under Section 138 of the Negotiable Instruments Act, and, upon conclusion of trial, entered into qua the apposite complaint, he became convicted, and, also became sentenced to undergo rigorous imprisonment for 6 months, and, also, he became directed to pay compensation in a sum of Rs.2,50,000/- with interest @ 6% per annum from the date of issuance of the cheque i.e. 27.02.2014, till realization thereof, to the complainant.

2. Becoming aggrieved from supra, the convict-petitioner preferred an appeal before the learned Appellate Court concerned. The learned Appellate Court concerned, also dismissed the appeal concerned, and, obviously maintained the verdict (supra) of conviction, and, the consequent thereto sentence of imprisonment, and, the compensation amounts (supra), as earlier became imposed, upon, the convict-petitioner, by the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib.

3. The convict-petitioner becomes aggrieved from the afore concurrently made judgment(s) of conviction, and, consequent therewith sentence (supra), and, has chosen to hence file the instant criminal revision petition, for annulling the afore concurrently rendered verdicts of conviction, and, the above imposed substantive sentence of imprisonment, and, also the compensation amounts (supra), as become determined, by both the learned Courts below.

4. However, during the pendency of the instant criminal revision petition, a compromise has occurred *inter se* the petitioner, and, the respondent-complainant. The respondent-complainant, has

appeared, in person before this Court, and, made a signed
testification, testimony whereof becomes hereinafter extracted :-

“Stated that I have entered into a compromise with the petitioner and he has liquidated the entire settled/agreed amount. I pray that this Court may make an order of compounding the offence, arising out of the dishonour of negotiable instrument, and, also pray that the instant criminal revision petition be accepted, and, to also acquit the accused of the notice of accusation, put to him under Section 138 of the Negotiable Instruments Act, 1881.”

5. In view of the above made signed testimony, before this Court by the respondent-complainant, this Court proceeds to record an order of composition, in respect of the offence arising out, of dishonour of the negotiable instrument concerned.

6. Furthermore, this Court is also constrained to accept the instant criminal revision petition, and, to acquit the petitioner-convict, of the notice of accusation, put to him, for an offence under Section 138 of the Negotiable Instruments Act, 1881.

7. Accordingly, the present petition is allowed. The verdicts passed by both the learned Courts below are set aside. The petitioner-convict, is acquitted of the notice of accusation, put to him, for an offence punishable under Section 138 of the Negotiable Instruments Act.

8. Since, for the afore belated endeavour, hence to constrain this Court to make an order of composition, for an offence arising out of dishonour of the negotiable instrument concerned, it is imperative, for this Court, to impose the requisite penalty, upon, the convict-petitioner herein. Therefore, the above order shall take place effect, subject to the petitioner depositing within 6 weeks from today, before

the Punjab State Legal Services Authority, 15 per cent of the cheque amount, it being the requisite penalty.

10. Since the main case itself has been decided, all the pending application(s), if any, also stand(s) disposed of.

16.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned

Whether reportable

:

Yes/No

:

Yes/No