

In the High Court of Punjab and Haryana at Chandigarh

CRR No. 1020 of 2022 (O&M)

Date of Decision: 17.5.2022

Munish Kumar

.....Petitioner

Versus

Davinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Saurav Kanojia, Advocate
for the respondent.

SURESHWAR THAKUR, J. (ORAL)

1. The learned trial Magistrate recorded a verdict of conviction, upon a criminal complaint bearing No. 2067/2 of 2015, and, also sentenced the convict-petitioner to undergo rigorous imprisonment of one year, besides sentenced him to pay a fine of Rs. 1,000/- for an offence constituted under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'). The aggrieved convict preferred a Criminal Appeal bearing No. CRA/189/2018, before the learned Additional Sessions Judge, Ludhiana, and, the latter also did not interfere with the afore initially drawn verdict of conviction, and, also the consequent therewith sentence (supra), as became imposed upon the aggrieved convict.

2. Therefore, the aggrieved convict had challenged the afore concurrently made verdicts of conviction, and, consequent therewith sentence (supra), as became imposed, upon him, by both the learned Courts

below, through his instituting the instant criminal revision petition, before this Court.

3. However, during the pendency of the instant petition, before this Court, an application bearing CRM No. 18356 of 2022 has been moved on behalf of the aggrieved convict, seeking an order from this Court, for compounding the offence, carried in the apposite complaint.

4. The learned counsel for the complainant, on instructions given by the latter, has made a signed statement, without oath, before this Court, wherein he has echoed, that the above made endeavour be accepted by this Court, and, that this Court also may proceed to allow Criminal Revision Petition bearing No. CRR-1020-2022, and, to also acquit the convict of notice of accusation, put to him, for an offence punishable under Section 138 of the Act.

5. Consequently, CRM-18356-2022 is allowed, and, this Court proceeds to compound the offence, arising out of dishonour of the negotiable instrument concerned. Moreover, the present criminal revision petition bearing No. CRR-1020-2022, is also allowed. The verdicts passed by both the Courts below are set aside. The petitioner-convict, is acquitted of the notice of accusation, put to him, for an offence under Section 138 of the Negotiable Instruments Act, and also the bail bonds and surety bonds, furnished by him, shall stand discharged.

6. However, for the belated endeavour on the part of the convict, to seek an order for compounding the offence (*supra*), from this Court, this Court deems it fit, and, appropriate to impose a penalty, upon the convict, hence comprised in 15% of the cheque amount, whose deposit is to be made, within six weeks from today, before the Punjab State Legal Services

Authority. In case, the afore deposit is not made within the afore mentioned period, thereupon, the above made order shall become annuled, and, shall also cause revival of the instant criminal revision petition.

(SURESHWAR THAKUR)
JUDGE

May 17, 2022
Gurpreet

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