

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

(Heard through VC)

CRR No.664 of 2021 (O&M)
Date of Decision: February 25, 2022

Satbir Singh

...Petitioner

Versus

Sunil Rana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant criminal revision has been filed seeking to challenge the judgment dated 30.05.2016 passed by the Judicial Magistrate Ist Class, Karnal whereby, the petitioner herein had been convicted and sentenced to undergo rigorous imprisonment for a period of 1 year and further to pay an amount of Rs.2,50,000/- to the complainant as compensation for the commission of offence punishable under Section 138 of Negotiable Instruments Act as well as judgment dated 30.09.2019 passed by the Addl. Sessions Judge, Karnal whereby, the appeal against the judgment of JMIC, Karnal was dismissed. The said criminal revision has been filed after an inordinate delay of 554 days along with an application to condone the said delay besides another application under Section 391 Cr.P.C. for additional evidence in the form of audio CD.

Mr. Deepak Jindal, learned counsel appearing on behalf of the petitioner on 07.07.2021 had *inter alia* submitted that there is a CD recording, which would establish that the complainant had admitted to the son of the petitioner herein that he had received an amount of Rs.1,20,000/- from the petitioner against the debt given by him. It was further submitted that the CD could not be produced, as he was unaware about the proceedings of the case against him. Counsel for the petitioner had further stated that the petitioner was willing to unconditionally deposit the balance amount as claimed by the complainant including the amount of Rs.1 lac, which was allegedly paid by the petitioner to his lower court's counsel, but who had not passed it to the complainant. The petitioner was also willing to bear all the legal expenses, as also appropriate compensation to the complainant, for being dragged to the court at this late stage.

The Coordinate Bench of this Court had issued notice of motion on 07.07.2021, subject to the condition that the petitioner shall deposit an amount of Rs.1,30,000/- before the trial court within a fortnight and also send a demand draft of Rs.20,000/- to the complainant as his tentative compensatory costs. The matter stood adjourned to 07.09.2021, while staying coercive processes against the petitioner.

The case was listed on 07.09.2021, on which date, counsel for the petitioner requested for time to comply with the previous order dated 07.07.2021, which prayer was acceded to, as a last opportunity. Consequently, the matter was adjourned to 28.10.2021 and then to 06.01.2022, on which date even though the matter was heard through video conferencing, no one put in an appearance on behalf of the petitioner. In the

interest of justice, the matter stood adjourned for 25.02.2022 viz. today.

When the matter is taken up for hearing today, again there is no representation on behalf of the petitioner through the medium of video conferencing. As per the report of the Registry, no compliance of order dated 07.07.2021 has been made by the petitioner, with regard to deposit of Rs.1,30,000/- with the trial court, besides sending a demand draft of Rs.20,000/- to the complainant as tentative compensatory costs. Apart from that, it has been reported by the Registry that notice has not been issued to the respondent for want of compliance of the said order passed by this Court.

It appears that the petitioner herein is not interested in pursuing with the instant criminal revision, as there is non-compliance of the order dated 07.07.2021 and the assurance given that the said order would be complied with.

There was no representation on behalf of the petitioner even on the last date of hearing and same is the situation today.

Under these circumstances, the instant criminal revision stands dismissed for want of prosecution as well as for non-compliance of the orders passed by this Court.

February 25, 2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No